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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—War Food Administration (Sugar Regulations)

PART 802—SUGAR DETERMINATIONS

PUERTO RICAN SUGARCANE CROP, 1944-45

Determination of farming practices to be carried out in connection with the production of sugarcane during the crop year 1944-45 in Puerto Rico, pursuant to the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.43g *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1944-45.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in Puerto Rico if the farming practices specified under paragraph (a) below are carried out on the farm during the period January 1, 1944 to April 30, 1945, and if food crops for human consumption are grown on the farm during the period February 1, 1944 to January 31, 1945, in accordance with the provisions of paragraph (b) below:

(a) *Requirements with respect to application of fertilizer.*—(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1944:

(i) The application to land on which sugarcane is planted during 1944 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than 75 pounds.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1944 of sufficient chemical fertilizer to provide an average of not less than 50 pounds per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugar-*

cane. For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1944:

(i) The application to land on which sugarcane is planted during 1944 of chemical fertilizer in an amount averaging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1944 of chemical fertilizer in an amount averaging not less than 130 pounds per acre fertilized.

(3) *Farms containing 100 acres or less of sugarcane.* For farms on which not more than 100 acres of sugarcane are growing at any time during 1944:

(i) The application to land on which sugarcane is planted during 1944 of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1944 of chemical fertilizer in an amount averaging not less than 80 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph the application during the 1944 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane.

(4) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied prior to April 30, 1945, shall not be less than 100 percent of the number of acres on which sugarcane is planted during 1944, and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during 1944.

(5) *Standards of performance.* The foregoing practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located.

(6) *Definitions.* Wherever used in this section, chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate

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NOTICE

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amount of nitrogen, available phosphoric acid, and water soluble potash.

(b) *Requirements with respect to food crops.* (1) The land to be used for the production of food crops shall be land suitable for the production of sugarcane.

(2) The food crops planted must be among the following: beans (any type), cowpeas, corn, rice, yams, potatoes (Irish and sweet), gandules (plant crop), tannier, apio, cassaba (yucca).

(3) The acreage of such food crops shall be equal to not less than 10 percent of the land on the farm on which sugarcane is growing at June 30, 1944 (but in no event less than one-tenth of an acre).

(4) The land devoted to the crops in question shall be suitably prepared by plowing or disking, adequately seeded, and cultivated in a workmanlike manner to assure a good stand at the time of maturity.

(5) *Additional credit for the planting of leguminous food crops.* Each acre planted to the leguminous food crops specified in paragraph (2) (b) above, shall be equivalent to 1½ acres planted to the nonleguminous types of food crops specified therein.

(Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 29th day of December 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-20669; Filed, December 29, 1943; 3:28 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-10, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CANTON, OHIO SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the

purposes thereof, Food Distribution Order No. 79-10 (8 F.R. 13374), relative to the conservation and distribution of fluid milk in the Canton, Ohio, milk sales area, issued by the Director of Food Distribution on September 30, 1943, as amended, is hereby further amended by adding to § 1401.43 (b) the following: "The townships of Knox and West in Columbiana County, and Smith township in Mahoning County, all in the State of Ohio."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-10, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-10, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20590; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-61, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WHEELING, W. VA., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-61 (8 F. R. 14263) relative to the conservation and distribution of fluid milk in the Wheeling, West Virginia milk sales area, issued by the Director of Food Distribution on October 19, 1943, is amended by deleting therefrom the numerals "350" wherever they appear in § 1401.101 (h) and inserting, in lieu thereof, the numerals "100."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-61, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-61 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20591; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-70, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ERIE, PA., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F.R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-70 (8 F.R. 14273) relative to the conservation and distribution of fluid milk in the Erie, Pennsylvania, milk sales area, issued by the Director of Food Distribution on October 19, 1943, is amended by deleting therefrom the numerals "350" wherever they appear in § 1401.103 (h) and inserting in lieu thereof, the numerals "200."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-70, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-70 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20592; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-76, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN FRANCISCO BAY REGION, SALES AREA

Pursuant to the authority vested in the Director by Food Distribution Order No. 79, dated September 7, 1943 (8 F.R. 12426), as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-76, § 1401.83 (b), relative to the conservation of fluid milk in the San Francisco Bay region milk sales area (8 F.R. 14371), issued by the Acting Director of Food Distribution on October 22, 1943, is amended as follows:

The milk sales area described in § 1401.83 (b) of the original order is modified in the following particulars; add:

That portion of Solano County starting at a point, being the intersection of the Napa-Solano County line, and the east bank of San Pablo Bay; thence easterly along said Napa-Solano County line to State Highway U. S. No. 40; thence southerly along State Highway U. S. No. 40 to County Road No. 233; thence easterly along said County Road No. 233 to County Road No. 91; thence southerly along County Road No. 91 to County Road No. 133; thence southeasterly along County Road No. 133 to the northwest corner of Benicia Arsenal; thence

southerly along the boundary of Benicia Arsenal to the north boundary of Carquinez Straits; thence westerly along the north boundary of Carquinez Straits to San Pablo Bay; thence along the north and east boundary of San Pablo Bay to the point of beginning.

Effective date. This amendment of FDO 79-76, shall become effective at 12:01 a. m., e. w. t., January 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20593; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-83, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN TERRE HAUTE, IND., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-83 (8 F. R. 15471), relative to the conservation and distribution of fluid milk in the Terre Haute, Indiana, milk sales area, issued by the Director of Food Distribution on November 6, 1943, is amended by deleting therefrom the description of the sales area in § 1401.123 (b) and inserting, in lieu thereof, the following:

The city of Terre Haute, and all of the remaining territory within the corporate limits of Vigo County, Indiana.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-83, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-83, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20596; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-93, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN TOPEKA, KANS., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-93 (8 F. R. 15477), relative

to the conservation and distribution of fluid milk in the Topeka, Kansas, milk sales area, issued by the Director of Food Distribution on November 6, 1943, is amended by deleting the description of the sales area in § 1401.127 (b) and inserting in lieu thereof, the following:

The territory within the corporate limits of the city of Topeka and the territory within the following boundary lines of Shawnee County, in the State of Kansas: Beginning at the southwest (SW) corner, section 35, township 12 S, range 15 E in Shawnee County, Kansas; thence north two miles; thence west one mile; thence north one mile; thence west one mile; thence north one mile; thence west two miles to the southwest corner section 7, township 12 S, range 15 E; thence north three and one-fourth (3¼) miles more or less, to the south bank of the Kansas River; thence easterly along said south bank three miles, more or less, to the west line of section 27, township 11 S, range 15 E; thence three and one-half (3½) miles, more or less, to the northwest corner, section 10, township 11 S, range 15 E; thence east two miles; thence north one mile to the northwest corner, section 1, township 11 S, range 15 E; thence east four miles to the Meriden road; thence south along said road one mile; thence east two miles to the east line of Shawnee County; thence south and easterly along said county line to the point of intersection with the west line of the east one-half of section 36, township 11 S, range 16 E; thence south two and one-half (2½) miles more or less, to the south quarter corner of section 12, township 12 S, range 16 E; thence west two and one-half (2½) miles to northeast corner, section 16, township 12 S, range 16 E; thence south one mile, thence west one mile; thence south three miles to the southeast corner, section 32, township 12 S, range 16 E; thence west four miles to the point of beginning.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-93, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 79-93, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20594; Filed, December 28, 1943;
3:39 p. m.]

[FDO 79-96, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. JOSEPH, MO., SALES AREA

Pursuant to Food Distribution Order No. 79 (8 F. R. 12426), dated September 7, 1943, as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-96 (8 F.R. 15480), relative to the conservation and distribution of fluid milk in the St. Joseph, Missouri, milk sales area, issued by the Director of

Food Distribution on November 6, 1943, is amended as follows:

First: By deleting therefrom the description of the sales area in § 1401.128 (b) and inserting, in lieu thereof, the following:

The city of St. Joseph, the township of Washington, the north half of Wayne township and the north half of Center township, in Buchanan County, the south half of Jefferson township in Andrew County, all in the state of Missouri.

Second: Delete therefrom the numerals "350" wherever they appear in § 1401.128 (h) and insert in lieu thereof, the numerals "200".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. With respect to violations of said Food Distribution Order No. 79-96, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 79-96, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 28th day of December 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-20595; Filed, December 28, 1943;
3:39 p. m.]

[FDO 91]

PART 1414—POULTRY

RESTRICTIONS ON POULTRY IN STORAGE

The fulfillment of the requirements for the defense of the United States will result in a shortage in the supply of poultry for the defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1414.3 *Restrictions on poultry*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "poultry" means (i) slaughtered chickens which were approximately 2 to 9 months of age when slaughtered, and each of which weighs two or more pounds if dressed but not drawn, or one and one-half, or more, pounds if both dressed and drawn, or (ii) slaughtered fowl, i. e., slaughtered chickens of the female sex which have been dressed or drawn or both and each of which was of the approximate age of 9 months or more when slaughtered.

(2) The term "dressed", when used with respect to poultry, means poultry which has been killed, bled, plucked, and frozen.

(3) The term "drawn", when used with respect to poultry, means dressed poultry from which the head, shanks, crop, windpipe, esophagus, and entrails have

been removed and also includes poultry commonly known as eviscerated poultry.

(4) The term "cold storage" means space equipped to be artificially cooled to a temperature of 10° F., or below, and in which food commodities are customarily stored, but shall not include a refrigerated storage compartment, normally called a locker, having a capacity of not more than 15 cu. ft.

(5) The term "U. S. Army Quartermaster Market Center" means:

(i) With respect to poultry located in Minnesota, Iowa, Wisconsin, Illinois, Indiana, and Michigan, the

Officer in Charge
Field Headquarters
Perishable Section
Attention: Poultry Section, O.Q.M.C.
222 West Adams Street
Chicago (6), Illinois

(ii) With respect to poultry located in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
10 Post Office Square
Boston (9), Massachusetts

(iii) With respect to poultry located in New York, Pennsylvania, Maryland, Delaware, New Jersey, and District of Columbia, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Room 825
165 Broadway
New York (6), New York

(iv) With respect to poultry located in Florida, Georgia, North Carolina, South Carolina, and Virginia, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Universal Building
Laurel and Sumter Streets
Columbia (3), South Carolina

(v) With respect to poultry located in Ohio, West Virginia, Tennessee, and Kentucky, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
432 Federal Building
Louisville (2), Kentucky

(vi) With respect to poultry located in North Dakota, South Dakota, Nebraska, Kansas, and Missouri, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Kansas City Food Terminal Building
Kansas City (15), Kansas

(vii) With respect to poultry located in Oklahoma, Texas, and New Mexico, the

Officer in Charge, Quartermaster Market Center
Attention: Poultry Section,
Produce Terminal Building
1201 Jones Street
Fort Worth (2), Texas

(viii) With respect to poultry located in Louisiana, Arkansas, Mississippi, and Alabama, the

Officer in Charge, Quartermaster Market Center

Attention: Poultry Section,
Poland and Dauphine Streets
New Orleans (17), Louisiana

(ix) With respect to poultry located in California, Oregon, Washington, and Nevada, the

Officer in Charge, Quartermaster Market Center

Attention: Poultry Section,
248 Battery Street
San Francisco (11), California

(x) With respect to poultry located in Idaho, Montana, Wyoming, Utah, Arizona, and Colorado, the

Officer in Charge, Quartermaster Market Center

Attention: Poultry Section,
426 Southwest Temple
Produce Exchange Building
Salt Lake City, Utah

(6) The term "person" means any individual, partnership, association, business corporation, or any organized group of persons, whether incorporated or not.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "governmental agency" means (i) the Armed Services of the United States (excluding, for the purpose of this order, United States Army Post Exchanges, United States Navy Ships' Service Departments, and United States Marine Corps Post Exchanges); (ii) the War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase poultry subject to this order.

(9) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps and the Coast Guard of the United States.

(b) *Restrictions.* (1) Each person owning poultry which is in cold storage on the effective date hereof shall set aside and thereafter hold such poultry for delivery to a governmental agency.

(2) No person owning poultry set aside or required to be set aside hereunder shall, in any manner whatsoever, use such poultry.

(3) No person shall remove from cold storage any poultry set aside or required to be set aside hereunder and no person owning or operating cold storage shall permit the removal of any such poultry from such cold storage except in accordance with the provisions of (b) (5) hereof.

(4) Notwithstanding the provisions of (b) (1), (b) (2), or (b) (3) hereof, poultry set aside or required to be set aside hereunder may be sold, used, or removed from storage, subject to the provisions of (b) (5) hereof, if (i) such poultry is offered, in writing, for sale to the U. S. Army Quartermaster Market Center and rejected or released by the U. S. Army Quartermaster Market Center, or (ii) such poultry is offered, in writing, for sale to the U. S. Army Quartermaster Market Center and upon the termination of thirty days from the date such offer

is made, the poultry has not been inspected and purchased by the U. S. Army Quartermaster Market Center.

(5) The owner or operator of cold storage may permit the removal of poultry, set aside or required to be set aside hereunder, from cold storage owned or operated by him if he obtains a certificate from the owner of such poultry that (i) such poultry has been sold to a governmental agency; (ii) the poultry has been rejected or released by the U. S. Army Quartermaster Market Center; or (iii) such poultry has been offered, in writing, for sale to the U. S. Army Quartermaster Market Center and more than thirty days have elapsed from the date of such offer and the U. S. Army Quartermaster Market Center has not inspected and purchased such poultry. The owner or operator of such cold storage shall transmit any or all certificates to the Director upon the Director's request. All statements contained in or accompanying any such certificate shall be deemed to be representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(6) Each owner or operator of cold storage shall, upon the request of the U. S. Army Quartermaster Market Center, make all poultry, set aside or required to be set aside hereunder, in such cold storage, available for inspection by the U. S. Army Quartermaster Market Center.

(7) The provisions of this order shall not apply to any person owning less than 3,000 pounds of poultry in cold storage.

(c) *Reports.* Each person owning in excess of 3,000 pounds of poultry which is in cold storage at the effective time of this order shall within 10 days after the effective time of this order report by letter in duplicate, to the U. S. Army Quartermaster Market Center the following information: (1) the name and address of the person owning such poultry; (2) the trade name, if any, and the address of the warehouse or other building in which such poultry is stored, but if such cold storage is for private use or is not operated under a trade name the name of the owner of such cold storage shall be given; (3) the lot and sub-lot storage numbers under which such poultry is stored; (4) the total number of pounds of such poultry stored in the name of each owner; (5) the number of pounds of such poultry which is dressed, and the number of pounds of such poultry which is dressed and drawn; (6) the type or types of container in which such poultry is packed; (7) the date each lot or sub-lot was placed in such cold storage.

(d) *Records.* Each person owning or operating cold storage shall maintain an accurate record of the name and address of each person owning poultry in such cold storage at the effective time of this order for a period of at least two years from the effective time of this order.

(e) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and records by, any person, as may be necessary or appropriate, in his discretion to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in poultry.

(3) The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of poultry of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may file a petition for relief with the Director. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. The Director may take such action, with regard to any such petition as he deems appropriate; and such action by the Director shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using poultry in storage, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director or provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 91.

(k) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States De-

partment of Agriculture any or all of the authority vested in him by this order.

(1) *Effective date.* This order shall become effective 12:01 a. m., e. w. t.; December 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of December 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-20670; Filed, December 29, 1943;
4:28 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 297]

SCHEDULED OPERATIONS OF AMERICAN AIR-
LINES, INC. AT TEXARKANA, ARK.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the scheduled operations of American Airlines, Inc., at the Texarkana Airport, Texarkana, Arkansas.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C.; on the 23d day of December 1943.

The following Special Civil Air Regulation is made and promulgated to become effective January 1, 1944:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations, any first pilot listed in American Airlines, Inc., air carrier operating certificate on January 1, 1944, who is qualified as competent to operate an aircraft in scheduled air transportation between Nashville or Memphis and Dallas or Fort Worth on January 1, 1944, may pilot aircraft in scheduled operations for said carrier into and out of Texarkana Airport, Texarkana, Arkansas, upon furnishing evidence satisfactory to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20680; Filed, December 30, 1943;
10:24 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50982]

PART 18—TRANSPORTATION IN BOND AND
MERCHANDISE IN TRANSIT

DIVERSION OF MERCHANDISE IN TRANSIT UNDER BOND

Section 18.5 (b), Customs Regulations of 1943 (19 CFR 18.5 (b)), is amended by deleting the words "consumption or warehouse" and substituting therefor

the following, "consumption, warehouse, exportation, further transportation in bond, or under any bond provision of the tariff laws."

(Secs. 552, 553, 46 Stat. 742, sec. 21, 52 Stat. 1087; 19 U.S.C. 1552, 1553)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: December 28, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-20679; Filed, December 30, 1943;
10:28 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-456]

ALVAH I. MATTHEWS

Alvah I. Matthews is engaged in business at Ortonville, Minnesota, as a dealer in farm machinery, stoves, bottle gas equipment and cold locker storage. Subsequent to April 8, 1942 he violated Limitation Order L-86 by installing sixteen items of liquefied petroleum gas equipment for uses not approved by the War Production Board. Mr. Matthews was familiar with Limitation Order L-86, and these violations must be deemed wilful.

The foregoing conduct has hampered and impeded the war effort of the United States by diverting scarce equipment to uses unauthorized by the War Production Board. In view of the foregoing; *it is hereby ordered, That:*

§ 1010.456 *Suspension Order No. S-456.* (a) Alvah I. Matthews, his successors or assigns, shall not purchase, accept or make delivery of, sell, transfer, lease, or otherwise deal in liquefied petroleum gas equipment, as defined in Limitation Order L-86, except as hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Alvah I. Matthews, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 29, 1943, and shall expire March 29, 1944.

Issued this 22d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20671; Filed, December 29, 1943;
4:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-470]

HARRY PAPADOPOULOS

Harry Papadopoulos, of Carrabelle, Florida, on or about March 20, 1943, began construction of a building on premises formerly occupied by the Westbury Building in Carrabelle, Florida, at an estimated cost of about \$12,000, without obtaining authorization from the War Production Board. His intention was to erect a building for use as a theater and bar at said location. This construction was in violation of Conservation Order L-41, which prescribed a limit of \$200 on such construction. Harry Papadopoulos was aware that War Production Board approval must be obtained, for he caused a Form PD-200 to be completed but it was never approved, and he otherwise knew of War Production Board regulations and his failure to take the necessary steps to insure compliance with Conservation Order L-41 must be considered a wilful violation.

This wilful violation of Conservation Order L-41 has diverted scarce material to uses not authorized by the War Production Board. In view of the foregoing; *it is hereby ordered, That:*

§ 1010.470 *Suspension Order No. S-470.* (a) Neither Harry Papadopoulos, his successors or assigns, nor any other person shall order, purchase, accept delivery of, or withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction, as defined in Conservation Order L-41, on the building on premises formerly occupied by the Westbury Building in Carrabelle, Florida, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Harry Papadopoulos, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 29, 1943.

Issued this 22d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20672; Filed, December 29, 1943;
4:32 p. m.]

PART 923—TUNGSTEN

[General Preference Order M-29, Revocation]

Section 923.3 *General Preference Order M-29* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of tungsten remains subject to all other applicable regulations and orders of the War Production Board.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20691; Filed, December 30, 1943;
11:09 a. m.]

PART 987—COBALT

[General Preference Order M-39 as Amended
Dec. 30, 1943]

Section 987.1 General Preference Order M-39 is hereby amended to read as follows:

§ 987.1 General Preference Order M-39—(a) *Definition.* For the purposes of this order "cobalt" means cobalt metal and commercial cobalt oxide.

(b) *Reports.* Unless specifically authorized to the contrary by the War Production Board, each person selling more than 1,000 lbs. of cobalt in any month shall report his sales during the month on Form WPB-3452. Such report shall be filed not later than the 20th day of the month following the month to which it relates. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, unless otherwise directed, shall be addressed to the Ferro-Alloys Branch of the War Production Board, Washington 25, D. C., Reference M-39.

(d) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20692; Filed, December 30, 1943;
11:09 a. m.]

PART 1076—PLUMBING AND HEATING .
SIMPLIFICATION

[Limitation Order L-42, Direction 1]

CAST IRON BATHTUBS

The following direction is issued pursuant to Limitation Order L-42:

(a) *What this direction does.* In order to provide for the production of 50,000 metal bathtubs before April 1, 1944, for critical war housing without utilizing labor in critical labor areas, this direction tells by whom and for what purposes bathtubs may be made.

(b) *Production of bathtubs.* Prior to April 1, 1944, the following manufacturers may produce, at their plants at the addresses indicated, recess type cast iron bathtubs, no longer than those commercially known as five foot, and in quantities not exceeding the number indicated opposite their names:

American Radiator & Standard Sanitary Corporation, Louisville, Ky.	10,000
Crane Co., Chattanooga, Tenn.	10,000
Eijer Co., Salem, Ohio.	10,000
Kohler Co., Kohler, Wis.	10,000
Richmond Radiator Co., Uniontown, Pa.	10,000

(c) *Sale of bathtubs.* These bathtubs may be delivered only to fill orders for installation in projects rated by orders in the P-19 and P-55 series, bearing the symbol H-1.

(d) *Crating.* No manufacturer may use better than No. 3 quality grades of lumber in crating these bathtubs.

(e) *Reports.* Each manufacturer named in paragraph (b) shall report by letter on or before the 10th day of each month to the Plumbing and Heating Division, War Production Board, by size, the number of bathtubs produced and the number shipped under this direction during the preceding month. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Effect of other orders.* The restrictions of Schedule 12 to Order L-42 are superceded to the extent necessary to give effect to this direction.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20693; Filed, December 30, 1943;
11:09 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-244, as Amended
Dec. 30, 1943]

MAGAZINES

Section 3133.15 Limitation Order L-244 is hereby amended to read as follows:

§ 3133.15 Limitation Order L-244—

(a) *The purpose of this order.* This order does two things: First, it limits the tonnage of print paper which a magazine publisher may use or cause to be used in printing his magazine or magazines. This is called his "consumption quota" and is based upon the tonnage of print paper which was used in printing his magazine or magazines in 1942. Second, it limits the tonnage of print paper which may be delivered to or accepted by or on behalf of a magazine publisher, based upon the tonnage of the various grades and items which he has in inventory.

Definitions and Explanations

(b) *Magazine.* A "magazine" is any periodical generally recognized as a magazine in the magazine industry, regardless of the frequency of issuance. The term includes all supplements, inserts and other printed matter physically incorporated into a magazine. It also includes reprints containing 50 percent or more of the editorial content appearing in any issue of a magazine.

(c) *Publisher.* A "publisher" is a person who publishes one or more magazines. The term includes an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. Where a group of magazines is under common control, but each magazine is published by a separate business entity, a separate consumption quota and a separate delivery quota shall be established for each magazine. It makes no difference if several of these operating entities are subsidiaries of the same parent corporation, or are controlled by the same individual or group of individuals.

(d) *Print paper.* "Print paper" means any grade, quality, type, basis weight or size of paper used in the printing of a magazine. The term includes paper reclaimed wholly or partly from printed or unprinted waste as well as paper made entirely from virgin fiber.

(e) *Use.* Print paper is "used" when ink is first applied to it. The date of issuance carried on the magazine is immaterial. When the printing of an issue is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the publisher's consumption quota for that quarter. The entire printing may not be regarded as if it were started and finished in the same quarter. All production waste shall be included in determining the tonnage of print paper "used" in printing a magazine.

(f) *Inventory.* "Inventory" means all the print paper which is available for a publisher's use. It does not include paper in transit. It is immaterial whether the paper is in the publisher's hands or in the hands of a printer, paper dealer or other person.

(g) *Transfer of quotas.* (1) No publisher may use in printing his magazine or magazines any part of a consumption quota arising from the previous publication of another magazine by another publisher. No publisher may permit any part of the consumption quota arising from the publication of a magazine or magazines by him to be used in printing another magazine published by another person.

(2) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the printing of a magazine any part of a consumption quota established under Order L-240 (news-papers), L-241 (commercial printing), or L-245 (books), and he may not permit any part of his consumption quota established under this order to be used for newspapers, commercial printing or books.

(3) The rules governing the assignability of quotas are set forth in Priorities Regulation 7A.

(h) *New publishers.* Any person who did not publish a magazine in 1942 has no quota for the use of paper in printing magazines.

Consumption Quota

(i) *Computation of consumption quota.* In the first calendar quarter of 1944, and in each calendar quarter after that, no publisher may use or cause to be used, for the printing of his magazine or magazines, print paper in excess of his quarterly consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of print paper consumed in printing the publisher's magazine or magazines in 1942, and divide by four. This is the publisher's "quarterly base" from which the required reductions shall be made.

(2) If the publisher's quarterly base is not more than five tons, his quarterly consumption quota is the same as his quarterly base.

(3) If the publisher's quarterly base is more than five tons but not more than 27.8 tons, his quarterly consumption quota is 90 percent of his quarterly base or five tons, whichever amount is larger.

(4) If the publisher's quarterly base is more than 27.8 tons, his quarterly consumption quota is 75 percent of his quarterly base or 25 tons, whichever amount is larger.

(5) In every case, a publisher's quarterly consumption quota is subject to adjustment as provided in paragraph (j).

(j) *Adjustments*—(1) *Borrowing*. A publisher may add an extra 15 percent to his consumption quota in any quarter if he subtracts that amount from his consumption quota for the next quarter.

(2) *Savings*. If a publisher uses less than his quota in any quarter, he may add the saving to his consumption quota in a subsequent quarter, or distribute the saving over several subsequent quarters.

(k) *Total permitted consumption*. A publisher may use in any quarter:

(1) His quarterly consumption quota, as determined under paragraph (i).

(2) Plus permitted borrowing from his consumption quota for the next quarter, as provided in paragraph (j) (1).

(3) Plus any less-than-quota savings carried over from previous quarters as provided in paragraph (j) (2), or minus any tonnage which had been borrowed during the preceding quarter from his consumption quota for that quarter, as provided in paragraph (j) (1).

(l) *Allotment to Army Service Forces and to the Navy*. (1) The War Production Board may from time to time allot to the Army Service Forces and to the Navy a specified tonnage of paper to be consumed in printing special "pony" editions of magazines which will be furnished without charge to United States Armed Forces personnel overseas.

(2) From this allotment the Army Service Forces and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in such special "pony" editions purchased by the Army Service Forces and by the Navy. This allotment does not cover purchases of magazines by military exchanges or service departments as defined in Priorities Regulation 17. No magazines sold to the military are ex-quota unless the publisher has received a specific grant from the Army Service Forces or the Navy pursuant to this paragraph.

(m) *Certification to printer*. No publisher may order magazines to be printed unless he furnishes, or has previously furnished, to the printer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-244 of the War Production Board and that all printing ordered by him of items regulated by that order,

as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for printing.

Delivery Restrictions

(n) *Limit on tonnage which may be accepted*. (1) No publisher may accept, and no other person may accept for a publisher's use, delivery of any grade of paper if the publisher's inventory of that grade exceeds a two-months' supply, based on his average rate of use during the last six months of 1943, or if acceptance of the delivery will bring his inventory above this level.

(2) If a publisher's total inventory of any grade exceeds a two-months' supply, but his inventory of a particular item is less than one-month's supply, he may bring his inventory of that item up to a two months' supply.

(3) Deliveries limited by the foregoing to a fraction of one carload may be increased to a full carload.

(4) Grades of paper include, but are not limited to the following: Newsprint, Novel-News, Rotogravure, Kraft or Wrapping, Cover paper (all kinds), and the following grades of Book paper: Antique, English finish, Machine finish, Supercalendared, Bulking, Offset, and Coated (Machine- or Brush-).

(o) *Certification to paper dealer or mill*. No publisher may order paper unless he furnishes, or has previously furnished, to the paper dealer or mill, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L-244 of the War Production Board and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance herewith.

This is a one-time certification and need not accompany each individual order.

Miscellaneous Provisions

(p) *Applicability of regulations*. This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(q) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in duplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(r) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Records*. Every publisher must keep accurate records, by calendar quarters, of the number of copies of each

magazine printed, the amount of paper used for each magazine, the amount of paper received during the quarter, and the amount on hand at the beginning and end of the quarter, subject to the inspection of the duly authorized representatives of the War Production Board. These records must be preserved as long as this order remains in force, and for two years after that.

(t) *Communications to the War Production Board*. All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-244.

(u) *Violations*. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20694; Filed, December 30, 1943; 11:09 a. m.]

PART 3133—PRINTING AND PUBLISHING [Limitation Order L-245, as Amended Dec. 30, 1943]

BOOKS

Section 3133.17 *Limitation Order L-245* is hereby amended to read as follows:

§ 3133.17 *Limitation Order L-245*—

(a) *The purpose of this order*. This order does two things: First, it limits the tonnage of paper which a book publisher may put into process or cause to be put into process in the production of books. This is called his "consumption quota," and is based upon the tonnage of paper which he caused to be put into process in the production of books in 1942. Second, it limits the tonnage of paper which may be delivered to or accepted by or on behalf of a book publisher, based upon the tonnage which he has in inventory.

Definitions and Explanations

(b) *Book*. "Book" means any collection of printed pages (including advance parts, supplements, and juveniles) bound by any method or in loose-leaf form. However, the term does not include:

(1) Publications issued at periodic intervals of less than 6 months;

(2) Diaries, date books, memorandum books, address books, blank books, accounting books, sales books, business-entry books, ledgers, journals, and other items in book format (except school workbooks) whose primary function is to provide space for the entry of data rather than instructional material, reading matter or illustrations;

(3) Albums less than half of whose pages contain reading matter or illustrations;

(4) Catalogues or advertising brochures issued by a person who manufactures, distributes, or offers for sale the products, commodities or services listed or illustrated therein;

(5) Directories issued by a person whose primary business is not publishing;

(6) Paper-bound pamphlets or booklets of less than 64 pages (except bound music folios) issued by a person whose primary business is not publishing;

(7) School or college annuals and yearbooks.

(c) *Publisher.* The "publisher" of a book is the person who performs, with respect to that book, the functions of a publisher as that term is generally understood in the book publishing industry. In determining the identity of the person who is the publisher of a book the following factors shall be taken into account as a guide, although no one factor or combination of factors shall necessarily be controlling:

- (1) Selecting the manuscript;
- (2) Acquiring the publishing rights;
- (3) Editing the manuscript;
- (4) Causing the type to be set;
- (5) Ordering, purchasing, or leasing the plates;
- (6) Designing the format;
- (7) Arranging for the purchase of paper or other raw materials;
- (8) Printing and binding the book, or arranging with a printer and binder to do so;
- (9) Promoting and advertising the book;

(10) Using an imprint identifying that person as the publisher on the title page, spine and jacket of the book;

(11) Introducing the book into the channels of distribution with or without a monetary consideration, either in connection with a correspondence course, in part consideration of society membership dues, as a premium, or otherwise;

(12) Paying royalties to the author;

(13) Generally undertaking the ultimate risk of the venture as entrepreneur.

(d) *Transfer of quotas.* (1) Interpretation No. 1, issued on March 20, 1943, provided: "As between publishers . . . Order L-245 does not prohibit Publisher A from purchasing books from Publisher B where such books bear the imprint of Publisher B and where the paper for such books is deducted by Publisher B from his quota."

This interpretation was issued in order to make it clear that Order L-245 does not prohibit the established practice in the book publishing industry whereby one publisher occasionally undertakes the sale and distribution of an edition or part of an edition of books published by another person.

The interpretation did not sanction the acquisition by one publisher of another publisher's consumption quota. It was contemplated that Publisher B, in the example given in the interpretation, was the actual publisher of the books in question, not a mere dummy whose quota and imprint were being used by Publisher A for Publisher A's

purposes. Quotas established by this order may not be bought and sold under any guise. The transfer of quotas is prohibited, except under the circumstances set forth in Priorities Regulation 7a. The use by one publisher, directly or indirectly, of a consumption quota provided for another publisher is a violation, punishable in accordance with paragraph (v).

Except where specific authorization is granted by the War Production Board upon application in writing, paper which is put into process in the production of a book may be charged only against the quota of the person:

(i) Who performs with respect to that book the functions of the publisher as set forth in paragraph (c); and

(ii) Who owns the copyright or the publication rights under copyright by assignment from the copyright owner; and

(iii) Whose publishing imprint appears on the title page, spine and jacket of the book to the exclusion of any other imprint or colophon of any kind.

(2) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the production of books any part of a consumption quota established under Order L-240 (newspapers), L-241 (commercial printing) or L-244 (magazines) and he may not permit any part of his consumption quota established under Order L-245 to be used for newspapers, commercial printing or magazines.

(e) *Put into process.* All the paper consumed in a single, complete, continuous printing of a book is "put into process" when the press run is commenced. Paper "put into process" includes paper printed by the letter press, offset or any other process.

(f) *Production waste.* All production waste shall be included in computing the tonnage of paper which a publisher causes to be put into process.

(g) *Paper.* "Paper" means any grade, quality, type, basis weight or size of paper which is used in the production of a book, including end papers, labels, paper covers and jackets. It also includes paper reclaimed wholly or partly from printed or unprinted waste, as well as paper made entirely from virgin fiber.

(h) *Basis weight.* "Basis weight" means the weight of 500 sheets of paper 25 x 38 inches in size.

(i) *Inventory.* "Inventory" means all the paper which is available for a publisher's use. Paper in transit is not included. It is immaterial whether the paper is in the publisher's hands or in the hands of a printer, paper dealer or other person. When paper is put into process or otherwise consumed in the production of a book it ceases to be in inventory.

(j) *New publishers.* Any person who did not cause paper to be put into process for the production of books in 1942 has no quota for the publication of books.

(k) *Breach of contracts.* As provided in Title III of the Second War Powers Act, no person shall be held liable for damages or penalties for any default

under any contract which shall result directly or indirectly from compliance with this order.

Consumption Quota

(1) *Computation of consumption quota.* In the calendar year 1944, and in each calendar year after that, no publisher may put into process or cause to be put into process paper for the production of books in excess of his consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of paper which the publisher caused to be consumed in the production of books in the calendar year 1942. This is the publisher's "base tonnage" from which the required reductions shall be made.

(2) If the publisher's base tonnage is 20 tons or less his consumption quota is the same as his base tonnage. He need not use less than he used in 1942 but he may not use more.

(3) If the publisher's base tonnage is more than 20 tons but not more than 100 tons his consumption quota is 20 tons plus 85% of his base tonnage in excess of 20 tons.

(4) If the publisher's base tonnage is more than 100 tons his consumption quota is 75% of his total base tonnage, or 88 tons, whichever is larger.

(m) *Adjustments.* (1) *Carry-over of 1943 savings.* A publisher who placed a bona fide print order for the production of one or more books in 1943 and who, because of production delays beyond his control at the printing level, found that the paper could not be put into process before December 31st, 1943, may add this tonnage to his 1944 consumption quota, provided he filed with the War Production Board on or before December 31, 1943 a letter setting forth the weight of paper to be added to his 1944 quota, the name of the printer with whom the order was placed, and the date of such order.

(2) *Carry-over of 1944 savings.* If a publisher uses less paper than he is allowed in 1944 he may add that amount to his consumption quota for 1945.

(n) *Restriction on paper for reprinting.* In addition to the limitation established by paragraph (1) above, there is a further limitation on the weight of paper which may be used per copy in certain reprintings, as follows:

(1) No publisher may cause to be put into process in the reprinting of any book issued prior to January 8, 1943 more than 80%, by weight per copy, of the paper used in the last printing of that book issued by him or another publisher prior to January 8, 1943.

(2) Excepted from the provisions of subparagraph (n) (1), but not from the provisions of paragraph (1), is the reprinting of books:

(i) On paper which was ordered prior to January 8, 1943 and was delivered to, or for the account of, the publisher within 45 days after January 8, 1943.

(ii) The last printing of which prior to January 8, 1943 was on paper of 45 pound basis weight or lighter if such printing was by letter press, or on paper of 50 pound basis weight or lighter if such printing was by offset, *Provided*, The reprinting is on a paper of 45 pound basis

weight or lighter if the reprinting is by letter press or 50 pound basis weight or lighter if the reprinting is by offset.

(o) *Allotment to Army Service Forces and to the Navy.* (1) The War Production Board may from time to time allot to the Army Service Forces and to the Navy a specified tonnage of paper to be consumed in printing books which will be furnished without charge to United States Armed Forces personnel.

(2) From this allotment the Army Service Forces and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in certain books purchased by the Army Service Forces and by the Navy. This allotment does not cover purchase of books by military exchanges or service departments, as defined in Priorities Regulation 17. No books sold to the military are ex-quota unless the publisher has received a specific grant from the Army Service Forces or the Navy pursuant to this paragraph.

(p) *Certification to printer.* No publisher may order books to be printed unless he furnishes, or has previously furnished to the printer a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-245 of the War Production Board and that all printing ordered from him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Delivery Restrictions

(q) *Restrictions on deliveries.* No publisher may accept, and no person may knowingly accept for a publisher's use, delivery of paper if the publisher's inventory is, or by virtue of such delivery will become, greater than one-fourth of his yearly consumption quota. This restriction applies to a publisher's total inventory of all grades, qualities, types, basis weights, and sizes of paper, regardless of the quantity of any particular item in his inventory.

(r) *Certification to paper dealer or mill.* No publisher may order paper unless he furnishes, or has previously furnished, to the paper dealer or mill a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L-245 of the War Production Board and that all purchases of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order.

Miscellaneous Provisions

(s) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(t) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(u) *Communications to the War Production Board.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-245.

(v) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(w) *Effective date.* This amendment shall become effective on January 1, 1944.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20695; Filed, December 30, 1943;
11:10 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-245, Interpretation 1, Revocation]

Interpretation No. 1 to order L-245, issued March 20, 1943, is superseded by paragraphs (c) and (d) of the order as amended December 30, 1943.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20696; Filed, December 30, 1943;
11:10 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241, as Amended Dec. 30, 1943]

PAPER AND PAPERBOARD

§ 3281.63 *General Conservation Order M-241—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" and "manufacture" mean and include all making and finish-

ing operations prior to packing or packaging.

(3) "Finished production" means paper or paperboard ready for packing or packaging.

(4) "Grade" as used in paragraph (d) means any kind of paper or paperboard for which a caption is provided in Form WPB-514, as currently revised, or any particular grade, even though not specifically mentioned, within such kind.

(c) *Restrictions on production of paper and paperboard.* Unless specifically authorized by the War Production Board, no person shall produce paper or paperboard on any paper machine (Yankee, Harper, Fourdrinier, Cylinder or Wet Machine), which did not produce paper or paperboard in the period May 1, 1943 to July 15, 1943 inclusive.

(d) *Reserve production.* (1) Each manufacturer of paper or paperboard shall reserve in the production for each of his mills for the month of January 1944 and for each calendar month thereafter time and supplies sufficient to produce and deliver within such month the following reserve production percentages:

Class	WPB-514 Caption	Percent
Paperboard.....	50000 to 59900 inclusive.	35
Condenser tissue.....	68511.....	100
Paper (other than condenser tissue).	All other captions...	15

(or any other percentage of such production by grade or in total as the War Production Board may from time to time designate by notice in writing to each mill or by publication in the FEDERAL REGISTER, at least 10 days prior to the month for which such production is reserved). When any reserve percentage is designated by grade or combination of grades, this percentage shall apply to the average monthly finished production of such grade or combination of grades which such mill has, of record, reported on WPB-514 for the most recent three calendar quarters. The War Production Board may direct, on or before the 15th day of any month, any such manufacturer to employ such reserve, subject to the provisions of paragraph (d) (2) to produce any grades of paper or paperboard which such manufacturer is qualified to produce at such mill and in any quantity not exceeding the tonnage of such reserve production represented by the percentages designated for such month by the War Production Board, and may require such manufacturer to sell and deliver such tonnage to any person named by the War Production Board. Any order taken by a mill at the direction of the War Production Board shall reduce the reserve production for which such mill is obligated by the amount of finished production represented by such order. The manufacturer may refuse so to produce and deliver such reserve production only for the reasons specified for the refusal of rated orders in § 944.2 paragraph (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th day of the month in which such production is reserved receive from the

War Production Board directions as to the disposition of all such production, he may employ the production for which no directions have been received as he may desire consistent with the provisions of this and other orders of the War Production Board.

(2) Any manufacturer who has voluntarily accepted directly or through another person, an order or orders for paper or paperboard to be produced for the account of any government department or agency, or for any other activity or use, listed in paragraph (d) (3) may request the War Production Board to consider the finished tonnage of such order or orders as applying against the reserve production of the mill for the month in which such order or part thereof is manufactured. For the consideration of any such request certain information is needed. The nature of this information shall be disclosed in Form WPB-3270 (this report requirement has received the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942) which may be reproduced. No mill is obligated under this order to make such request or use such form. If such form is used, it shall be filed in triplicate with the War Production Board. If such request is granted by the War Production Board, the mill is obligated to produce according to the accepted schedule and the production which the mill is obliged to hold open for direction within such month will be reduced accordingly and a record kept of such reduction by mill and by company. Whether denied or granted the mill will be advised. Failure, by a mill, to properly report its qualified orders voluntarily accepted, will result in such mills obligation for direction not being reduced by such quantities as may be represented by such orders. For example, a mill making no report will be liable to direction within the full percentage reserve.

(3) Procurement activities:

1. United States Army
2. United States Army Map Service
3. United States Army Air Forces
4. United States Navy
5. The United States Marine Corps
6. The United States Coast Guard
7. United States Maritime Commission and War Shipping Administration
8. Lend Lease Administration—Foreign Economic Administration
9. Panama Canal
10. Bureau of Public Debt
11. United States Government Printing Office
12. United States Bureau of Engraving and Printing
13. Procurement Division of the United States Treasury
14. Office of Economic Warfare—Foreign Economic Administration (orders with an O. E. W. or F. E. A. approved export license)
15. United States Post Office
16. Producers of products or parts thereof, for any of the 15 procurement activities listed above to the extent that the primary paper or paperboard is to be used exclusively as a component part of the product or part thereof, or is to be used exclusively for the necessary packaging of the product or part thereof, to be delivered on a contract or purchase order issued by such activity. (Report Government Department Order number and name of converter or user.)

(e) *Restrictions on inventory.* Unless specifically authorized by the War Production Board or excepted by paragraph (e) (4):

(1) *Consumers inventories, except converters of products covered by Conservation Order M-241-a.* (After January 1, 1944 printers and publishers shall be governed by the inventory provisions of WPB Orders L-241 (Commercial Printing), L-244 (Magazines), L-245 (Books) and the provisions of this order shall not apply to them.

(i) No person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of any quantity of paper or paperboard (other than newsprint) if the total inventory in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (a) in excess of two carloads or (b), in excess of forty-five calendar days' supply, whichever is greater, on the basis of either his average rate of consuming such paper or paperboard for the preceding quarter or his average rate of consuming such paper or paperboard as projected for the then current quarter.

(ii) Regardless of the provisions of (1) (i) above, no person shall knowingly deliver to a manufacturer of folding boxes, setup boxes, or paper shipping sacks and no manufacturer of folding boxes, setup boxes, or paper shipping sacks shall accept delivery of any quantity of paper or paperboard (other than newsprint) if the total inventory in the hands of the person accepting delivery is, or will by virtue of such acceptance become either (a) in excess of two carloads or (b) in excess of sixty calendar days' supply, whichever is greater, on the basis of either his average rate of consuming such paper or paperboard for the preceding quarter or his average rate of consuming such paper or paperboard as projected for the then current quarter.

(2) *Merchants inventories.* (i) Prior to January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of paper or paperboard (other than newsprint) if the total inventory in the hands of such paper merchant is, or will by virtue of such acceptance become, either (a) in excess of two carloads, or (b), in excess of sixty calendar days' supply, whichever is greater, on the basis of either his average rate of distributing such paper or paperboard for the preceding quarter or his average rate of distributing such paper or paperboard as projected for the then current quarter.

(ii) After January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of paper or paperboard (other than newsprint) if the total inventory in the hands of such paper merchant is, or will by virtue of such acceptance become, either (a) in excess of two carloads, or (b), in excess of forty-five calendar days' supply, whichever is greater, on the basis of either his average rate of distributing such paper or paperboard for the preceding quarter or his average rate of

distributing such paper or paperboard as projected for the then current quarter.

(3) *Mill inventories.* "Mill inventory" means all paper and paperboard other than that produced or being produced for prompt shipment against a definite order.

No person shall produce at any mill any quantity of paper or paperboard, if his inventory at such mill is, or will by virtue of such production, become, in excess of (a) two carloads or (b), in excess of sixty calendar days' supply, whichever is greater, on the basis of either the average rate of shipment of paper or paperboard from such mill for the preceding quarter or the average rate of shipment of paper or paperboard from such mill as projected for the then current quarter.

(4) *Item inventories.* For inventory purposes, the term "grade" of paper or paperboard refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised February 24, 1943, or as subsequently revised, each caption (except those which are further broken down by following captions) representing a separate grade, also included as items under the appropriate captions (unless specifically excepted below) are all coated papers not mentioned by captions but for which any captioned grade or item thereunder is used as a base stock. The restrictions of paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514 as revised February 24, 1943, under the captions "Blueprint and similar base stock" (07610); "Photographic and other sensitizing stock" (07611); and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating.

(1) *Miscellaneous provisions—*(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining

further deliveries of or from processing or using materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All communications concerning this order shall unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref.: M-241.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20697; Filed, December 30, 1943;
11:10 a. m.]

PART 3281—PULP AND PAPER¹

[General Conservation Order M-294, as
Amended Dec. 30, 1943]

WASTE MANILA ROPE AND MANILA FIBRE OF
THE T-2, T-3, O, Y AND EQUIVALENT GRADES

§ 3281.71¹ *General Conservation Order M-294—(a) Definitions.* For the purpose of this order:

NOTE: Paragraphs (3), (4), (5), (6), formerly (2), (3), (4), (5), redesignated Dec. 30, 1943.

(1) "Waste manila rope" means used manila rope, which is acquired for any purpose whatsoever excepting only that which is acquired for reuse as rope. The material resulting from any shredding, parting or other type of separation of the strands or fibres of used manila rope shall be deemed to be "waste manila rope".

(2) "Manila fibre" means fibre grades of T-2, T-3, O, Y or equivalent as established by the Insular Government of the Philippine Islands.

(3) "Permitted use" means with respect to each grade or type of paper designated on List A, the uses described for such paper on List A.

(4) "No. 1 large waste manila rope" means solid, clean, dry, sound manila rope not less than $\frac{3}{4}$ " in diameter, free from any inferior or objectionable materials, such as tarred and transmission ropes; dirty, black, painted, greasy, oily, oil smeared, and latex treated rope or coal dust; rope wholly or partly composed of fibers other than manila and such materials as tender fiber, knots, nets, yarns, strands, shakings, cord, string, or other unsound fibers.

(5) "No. 1 small waste manila rope" means the same rope as defined in paragraph (a) (3), except that the rope may be less than $\frac{3}{4}$ " in diameter.

(6) "Uncut manila fenders" means uncut manila fenders obtained from boats and docks, packed separately and

free of mats, iron, grease, rubber, tender and other foreign materials.

(b) *Limitations on sale or use of waste manila rope and manila fibre.* (1) No person shall use waste manila rope or manila fibre as a raw material in the manufacture of any product or products other than in the manufacture of rope or in the manufacture of paper.

(2) No person shall use waste manila rope or manila fibre in the manufacture of any grade or type of paper other than the grades and types of paper shown on List A.

(3) No person shall sell waste manila rope or manila fibre if he knows or has reason to believe such raw material will be used in the manufacture of any product or products other than in the manufacture of rope or in the manufacture of paper.

(4) No person shall sell waste manila rope or manila fibre if he knows or has reason to believe such materials will be used in the manufacture of any grade or type of paper other than the grades or types of paper shown on List A.

(c) *Limitation on use of grades and types of paper shown on List A.* No person who accepts delivery of any grade or type of paper shown on List A in which waste manila rope or manila fibre is used as a raw material shall use the same for any purpose or use other than the permitted uses for such grade or type of paper shown on List A, except that this restriction shall not apply to any grade or type of paper containing waste manila rope or manila fibre, manufactured prior to March 19, 1943.

(d) *Limitations on use of waste manila rope and manila fibre in the manufacture of flour and cereal sack papers.*

(1) No person shall use waste manila rope in the manufacture of paper for flour or cereal products sacks to an extent in excess of 45% of the total fibre content of such paper; *Provided, however,* That the amount of waste manila rope used by him in the manufacture of such paper during any one month shall not exceed 45% of the amount used by him in the manufacture of such paper during the month of December 1942.

(2) No person shall use No. 1 large waste manila rope (as defined in paragraph (a) (4)) or No. 1 small waste manila rope (as defined in paragraph (a) (5)) or uncut manila fenders (as defined in paragraph (a) (6) of this order), to an extent in excess of 35% of the total fibre content of such paper; *Provided, however,* That the amount of No. 1 large waste manila rope, No. 1 small waste manila rope or uncut manila fenders used by him in the manufacture of such paper during any one month shall not exceed 35% of the amount used

by him in the manufacture of such paper during the month of December 1942.

(3) Manila fibre shall not be used in the manufacture of flour and cereal sack papers.

(e) *Limitation on use of waste manila rope and manila fibre in the manufacture of abrasive paper.* (1) Manila fibre shall not be used in the manufacture of abrasive paper.

NOTE: Paragraph (2), formerly (1), redesignated Dec. 30, 1943.

(2) No person shall use waste manila rope in the manufacture of abrasive paper to an extent in excess of 25% of the total fibre content of such paper, and none of the waste manila rope so used shall be of the grades known as No. 1 large old manila rope or No. 1 small old manila rope or uncut manila fenders.

(f) *Obligation to examine and refuse certain orders.* From and after March 19, 1943:

(1) No person using waste manila rope in the manufacture of the grades and types of paper shown on List A shall sell or deliver any such paper which he knows or has reason to know will be used for any other purpose or use other than a permitted use.

(g) *Exceptions.* Specific authorization may be granted by the War Production Board for use of waste manila rope in the manufacture of any product or products for delivery to the Armed Forces or for use in the manufacture of any material or equipment for delivery to the Armed Forces when such product or products, material or equipment cannot be satisfactorily produced from other available fibres. Applications for such authorization shall be made by filing a letter with the War Production Board, Pulp and Paper Division, Reference M-294, stating fully reasons for requesting such authorization.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(j) *Communications.* All reports required to be filed hereunder, all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref.: M-294.

(k) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing

¹ Formerly Part 977, § 977.6.

or using, material under priority control and may be deprived of priorities assistance.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Grade or type of paper:	Permitted use
Insulating papers...	In the manufacture of insulation for communication wiring and cables, for electrical wiring and cables, and other types of electrical insulation.
Gasket base papers...	In the manufacture of gaskets.
Artificial leather base papers.	In the manufacture of artificial leather for delivery to shoe manufacturers.
Flour and cereal products sack papers.	For use in the manufacture of sacks for packaging flour or other cereal products, in quantities of 25 pounds or more.
Tag papers.....	In the manufacture of casualty tags, shipping tags and identification tags for delivery to the Armed Forces.
Abrasive paper.....	In the manufacture of industrial abrasive papers and belts.
Stencil base paper..	In the manufacture of stencil base papers for mimeograph stencils.

[F. R. Doc. 43-20698; Filed, December 30, 1943; 11:09 a. m.]

PART 3294—IRON AND STEEL PRODUCTION¹ [General Preference Order M-23-a, as Amended Dec. 30, 1943]

VANADIUM

Section 3294.26¹ *General Preference Order M-23-a* is hereby amended to read as follows:

§ 3294.26¹ *General Preference Order M-23-a*—(a) *Definition*. For the purposes of this order "vanadium" means ferro-vanadium and commercial vanadium pentoxide.

(b) *Reports*. Unless specifically authorized to the contrary by the War Production Board, each person selling more than 500 lbs. of vanadium in any month shall report his sales during the month on Form WPB-3454. Such report shall be filed not later than the 20th day of the month following the month to which it relates. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) *Communications to the War Production Board*. All reports required to

be filed hereunder, and all communications concerning this order, unless otherwise directed, shall be addressed to the Ferro-Alloys Branch of the War Production Board, Washington 25, D. C., Reference M-23-a.

(d) *Violations*. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20699; Filed, December 30, 1943; 11:09 a. m.]

PART 3294—IRON AND STEEL PRODUCTION¹ [General Preference Order M-110 as Amended Dec. 30, 1943]

MOLYBDENUM

Section 3294.46¹ *General Preference Order M-110* is hereby amended to read as follows:

§ 3294.46 *General Preference Order M-110*—(a) *Definition*. For the purposes of this order "molybdenum" means ferro-molybdenum, molybdenum sulfide, molybdenum oxide, and calcium molybdate.

(b) *Reports*. Unless specifically authorized to the contrary by the War Production Board, each person selling more than 2,000 lbs. of molybdenum in any month shall report his sales during the month on Form WPB-3453. Such report shall be filed not later than the 20th day of the month following the month to which it relates. This reporting provision has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) *Communications to the War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, unless otherwise directed, shall be addressed to the Ferro-Alloys Branch of the War Production Board, Washington 25, D. C., Reference M-110.

(d) *Violations*. Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control

and may be deprived of priorities assistance.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-25701; Filed, December 30, 1943; 11:09 a. m.]

PART 3294—IRON AND STEEL PRODUCTION [General Preference Order M-110, Revocation of Interpretation 1]

MOLYBDENUM

Interpretation 1 of M-110 is hereby revoked. It applied to provisions of the order which have been deleted.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-25702; Filed, December 30, 1943; 11:09 a. m.]

PART 3294—IRON AND STEEL PRODUCTION [Supplemental Order M-110-a, Revocation]

MOLYBDENUM

Section 3294.51 *Supplemental Order M-110-a* as amended October 2, 1943, is hereby revoked effective at once.

Issued this 30th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-25700; Filed, December 30, 1943; 11:09 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11, Amdt. 10]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

General Ration Order 11 is amended in the following respects:

1. Section 2.1 (a) is amended by adding the following:

However, if the rationed food was not completely used up in manufacturing the products, he may obtain replacement only of that portion of the rationed food which was used up. (For example, a potato chip manufacturer may use oil to make a batch of potato chips for a designated agency, and then reuse the remaining oil to make potato chips for his other customers. If he can use the oil for five batches of potato chips, he can get replacement only for one-fifth the oil, since that was the amount used up in making the potato chips for the designated agency.)

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 8008, 8625, 10419, 11671, 12553, 12711, 13171, 13320.

¹ Formerly Part 966, § 966.2.

¹ Formerly Part 1133, § 1133.1.

2. Section 2.4 (d) is added to read as follows:

(d) The application may cover products of more than one type unless the designated agency requires that a separate application be submitted for each type of product or group of products.

3. Section 3.3 (d) is added to read as follows:

(d) The application may cover products of more than one type unless the designated agency requires that a separate application be submitted for each type of product or group of products.

4. Section 5.3 (a) is amended by adding the following sentence:

However, an industrial user who receives an advance under this order may use it for the purpose for which he obtained the advance, even though the ration order under which he receives his allotment does not permit him to use his allotment for that purpose.

This amendment shall become effective January 5, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 30th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20706; Filed, December 30, 1943;
11:42 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS [RMFR 296]

FLOUR FROM WHEAT, SEMOLINA AND FARINA
SOLD BY MILLERS, BLENDERS, PRIMARY
DISTRIBUTORS AND FLOUR JOBBERS

Correction

The following changes should be made in Appendix A of F.R. Doc. 43-19199, appearing at page 16282 of the issue for Friday, December 3, 1943: In paragraph 1 (a) 3 the percentage in the sixth line should read "13.5%". In the fifth line of paragraph 1 (f) 3 "than" should read "and". In the last line of paragraph 1 (i) 1 the percentage should read "13.5%".

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1-1, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN RHODE ISLAND

For the reasons set forth in the statement of considerations issued simultaneously herewith* and under the au-

*Copies may be obtained from the Office of Price Administration.

thority vested in the Rhode Island State Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50, Restaurant Maximum Price Regulation No. 1-1 is hereby amended in the following respects:

1. Section 3 (Classes of food items and meals) is amended by adding paragraph (d) to read as follows:

(d) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law or the law of the State in which the establishment is located may be the same as your Sunday ceiling prices for such establishment, except as otherwise provided in section 4.

2. Section 4 (No ceiling price to be higher than the highest price in the base period) is amended so that the first sentence thereof shall read as follows:

Under no circumstances are you permitted to charge a higher price for a new food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period: *Provided, however,* That on Thanksgiving Day, Christmas Day, New Year's Eve and New Year's Day you may offer and sell dinners at prices not over seventy-five cents (\$.75) above the highest price you charged for a dinner on Thanksgiving Day, 1942, Christmas Day, 1942, New Year's Eve, 1942-1943, and January 1, 1943, respectively.

This amendment shall become effective November 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 19th day of November 1943.

CHRISTOPHER DEL SESTO,
State Director.

[F. R. Doc. 43-20707; Filed, December 30, 1943;
11:42 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[2d Rev. MPR 346]

CORN

Correction

In F.R. Doc. 43-19490, appearing at page 16606 of the issue for Thursday, December 9, 1943, the price per bushel in section 20 (e) for Marshall, Ala., should be \$1.34; for all other counties in Georgia, \$1.38; for Wythe, Va., \$1.29.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 306—GENERAL AGENTS AND AGENTS

[Gen. Order 21, Supp. 4]

BERTH AGENTS

Section 306.46 is amended to read:

§ 306.46 *Berth Agent Service Agreement (BA).* (a) Unless otherwise determined by the Administrator, when a vessel assigned to an agent or general agent

is required for operation in a service in which another operator is recognized by the War Shipping Administration as a regular berth operator, or as being otherwise qualified to operate in such service, such operator will be designated by the War Shipping Administration as the Berth Agent of the United States to operate the vessel in such service.

(b) Service agreements entered into between the United States of America, acting by and through the Administrator, War Shipping Administration, and berth or other operators approved by the Administration, appointing such operators as berth agents to conduct the business of vessels assigned to them from time to time by the United States, shall be as follows:

BA (Approved 12-29-43) Contract WSA
AGREEMENT BETWEEN THE WAR SHIPPING ADMINISTRATION AND BERTH AGENTS

Whereas the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, has entered into service agreements (GAA and TCA) with certain companies designating such companies as agent or general agent to conduct the business of vessels assigned to such agents by the United States from time to time, and

Whereas when a vessel assigned to an agent or general agent is required for operation in a service in which another operator is recognized by the War Shipping Administration as a regular berth operator, or as being otherwise qualified to operate in such service, such operator will be designated by the War Shipping Administration as the berth agent of the United States, and

Whereas the United States has designated _____ a _____ corporation, having its principal place of business at _____, (herein called the "berth agent") as eligible for appointment as a berth agent.

Now, therefore, the United States and the berth agent, in consideration of the reciprocal undertakings and promises of the parties herein expressed, agree that the following provisions shall govern the rights and obligations of the United States and the berth agent, while the berth agent is performing services as berth agent at the request of the United States:

ARTICLE 1. The United States appoints the berth agent as its agent and not as an independent contractor, to conduct the business of vessels assigned to it by the United States from time to time.

ART. 2. The berth agent accepts the appointment and undertakes and promises so to conduct the business for the United States, in accordance with such directions, orders, or regulations as the United States has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be assigned to the berth agent by the United States for that purpose.

ART. 3A. Unless otherwise directed by the United States, the berth agent in all cases shall, to the best of its ability, for the account of the United States:

(a) Perform all of the customary duties of an agent in conducting the business of the vessels subject to this agreement, subject to the orders of the United States as to voyages, cargoes, priorities of cargoes, charters, rates of freight and other charges and as to all matters connected with the use of the vessels; or in the absence of such orders, the berth agent shall follow reasonable commercial practices;

(b) Collect all moneys due the United States under this agreement and deposit, remit, or disburse the same in accordance

with such regulations as the United States may prescribe from time to time, and account to the United States for all moneys collected or disbursed by it or its agents;

(c) Provide and pay for all fuel, fresh water, stevedoring and other cargo handling expense, port charges, wharfage and dockage, pilotages, agencies, canal dues, commissions, and consular charges, except those pertaining to the master, officers and crew, and all other expenses incident to the business of the vessels to the extent that such items and expenses are for the account of the United States: *Provided*, That, where the United States has entered into agreements for any of the foregoing items (such as for stevedoring and supplying fuel), the berth agent shall see that the items are furnished pursuant to the provisions of such agreements and shall make the necessary arrangements with the district manager, or other representative of the United States therefor;

(d) Issue or cause to be issued to shippers customary freight contracts and bills of lading in the form prescribed by the United States, and prepare manifests and other cargo documents. Where appropriate, issue or cause to be issued to passengers customary passenger tickets in the form prescribed by the United States.

ART. 3B. The berth agent agrees, without prejudice to its rights under the provisions of Articles 8 and 16 hereof, to:

(a) Perform the duties required to be performed by it hereunder in an economical and efficient manner, and exercise due diligence to protect and safeguard the interests of the United States in all respects and to avoid loss and damage of every nature to the United States;

(b) Exercise due diligence to see that all bills of lading are properly issued, all wharf receipts for freight are non-negotiable and, where required, a freight contract or permit is issued for each shipment;

(c) Furnish and maintain during the period of this agreement, at its own expense, a bond with sufficient surety, in such amount as the United States shall determine, such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the berth agent contained in this agreement, including, without limitation of the foregoing, the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the berth agent or its agents. The berth agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of America of the face value of the penalty of the bond under an agreement satisfactory in form to the United States;

(d) Without the consent of the United States, not sell, assign or transfer, either directly or indirectly or through any reorganization, merger or consolidation, this agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 6 hereof.

ART. 4. (a) The berth agent and, to the extent required by the United States, every related or affiliated company or holding company of the berth agent, authorized as provided in Article 13 hereof, to render any service or to furnish any stores, supplies, equipment, provisions, materials, or facilities which are for the account of the United States, under the terms of this agreement, shall (1) keep its books, records and accounts relating to the management, operation, conduct of the business of the vessels covered by this agreement in such form and under such regulations as may be prescribed

by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of operation, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affect the results in, the performance of, or transactions or operations under this agreement.

(b) The United States is hereby authorized to examine and audit the books, records and accounts of all persons referred to above in this article whenever it may deem it necessary or desirable.

(c) Upon the willful failure or willful refusal of any person described in this article to comply with the provisions of this article, the United States may rescind this agreement.

ART. 5. At least once a month the United States shall pay to the berth agent as full compensation for the berth agent's services hereunder, such fair and reasonable amount as the Administrator, War Shipping Administration, shall from time to time determine. Such compensation shall be deemed to cover, but without limitation, the berth agent's administrative and general expense (as presently itemized in General Order No. 22 of the United States Maritime Commission), advertising expense, taxes (other than taxes for which the berth agent is reimbursed under Article 7 hereof), and any other expenses which are not directly and exclusively applicable to the operation of the vessels hereunder.

ART. 6. The berth agent shall exercise due diligence in the selection of agents. Such agents shall be subject to disapproval by the United States and any agency agreement shall be terminated by the berth agent whenever the United States shall so direct. Any compensation payable by the berth agent to its agents for services rendered in connection with the vessels assigned hereunder shall be subject to approval by the United States. Agency fees or equivalent allowances for branch offices in accordance with schedules approved by the United States will be reimbursable under Article 7 hereof.

ART. 7. The United States shall reimburse the berth agent at stated intervals determined by the United States for all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, stores, supplies or equipment as required hereunder, excepting administrative and general expense (as presently itemized in General Order No. 22 of the United States Maritime Commission), advertising expense, taxes (other than sales and similar taxes or foreign taxes of any kind to the extent determined by the United States to be classifiable as voyage expenses for the account of the United States) and any other expenses which are not directly and exclusively applicable to the maintenance, management, operation or the conduct of the business of the vessels hereunder. The berth agent shall be reimbursed for sales and similar taxes or foreign taxes of any kind to the extent determined by the United States to be classifiable as voyage expenses for the account of the United States to the extent that the berth agent shall have used due diligence to secure immunity from such taxation. The United States may disallow, in whole or in part, as it may deem appropriate, and deny reimbursement for, expenses which are found to have been made in willful contravention of any outstanding instructions or which were clearly imprudent or excessive.

Any moneys advanced to bonded persons by the berth agent for ship disbursements which are lost by reason of a casualty to the vessel on which the money so advanced is carried shall in the event of such loss be considered an expense of the berth agent, subject to reimbursement as is in this Article 7 provided.

The United States may advance moneys to the berth agent to provide for disbursements hereunder in accordance with such regulations or conditions as the United States may from time to time prescribe.

ART. 8. The United States shall without cost or expense to the berth agent procure or provide insurance against, or shall assume, all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder including, but without limitation, marine, war and P. & L. risks, and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property, and shall defend, indemnify and save harmless the berth agent against and from any and all loss, liability, damage and expense (including costs of court and reasonable attorney's fees) on account of such risks and liabilities, to the extent not covered or not fully covered by insurance. The berth agent shall furnish reports and information and comply fully with all instructions that may be issued by the United States with regard to all salvage claims, damages, losses or other claims. Neither the United States nor the insurance underwriters shall have any right of subrogation against the berth agent with respect to such risks.

ART. 9. In the event of general average involving vessels assigned to the berth agent under this agreement, the berth agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and accerting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the berth agent in such cases shall be in accordance with directions, orders or regulations of the United States. This article shall not apply to services required of the owner under time charter.

ART. 10. The negotiation and settlement of all salvage claims for services rendered by vessels under time charter to the United States shall be controlled by the owner and the United States in accordance with the provisions of the applicable time charter. The negotiation and settlement of all salvage claims for services rendered by vessels owned by, or bareboat chartered to, the United States shall be controlled by the United States. The berth agent shall furnish the United States and, in the case of time-chartered vessels, the vessel owner, with full reports and information on all salvage services rendered.

ART. 11. (a) The United States shall have the right to terminate this agreement at any time as to any and all vessels assigned to the berth agent and to assume control forthwith of the business of said vessels upon fifteen (15) days' written or telegraphic notice.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the berth agent shall have the right to terminate this Agreement, but termination by the berth agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) This agreement may be terminated, modified, or amended at any time by mutual consent.

ART. 12. In case of termination of this agreement, whether upon expiration of the stated period hereof or otherwise, all property of whatsoever kind then in the custody of the berth agent pursuant to this agreement, shall be immediately turned over to the United States at times and places to be fixed by the United States, and the United States may collect directly, or by such agent or agents as it may appoint, all freight moneys or other debts remaining unpaid: *Provided*,

That the berth agent shall, if required by the United States, adjust, settle and liquidate the current business of the vessels. Notwithstanding the foregoing provisions, when the United States shall so direct, the berth agent shall complete the business of voyages commenced prior to the date as of which the agreement shall be terminated, and, if directed by the United States and subject to any instructions issued by the United States with respect thereto, the berth agent shall continue to book cargo for the vessels for the next voyages after the termination of this agreement. No such termination of this agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

ART. 13. Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, or facilities shall be submitted to the United States for approval as to employment. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny reimbursement hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny reimbursement, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "Interested company" shall mean any person, firm, or corporation in which the berth agent, or any related company of the berth agent, or any officer or director of the berth agent, or any employee of the berth agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the berth agent, or any member of the immediate family of an officer or director of any related company of the berth agent, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the berth agent for the purposes of this article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the berth agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the berth agent (or related company), whether through ownership or voting securities, by contract, or otherwise.

ART. 14. This agreement, unless sooner terminated, shall extend until six months after the cessation of hostilities.

ART. 15. The United States shall, when it may legally do so, have the advantage of any existing, or future, contracts of the berth agent for the purchase or rental of materials, fuel, supplies, facilities, services, or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the berth agent.

ART. 16. (a) The United States shall indemnify, and hold harmless and defend the berth agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand

be found to be valid) of whatsoever kind or nature and by whomsoever asserted for injury to persons or property arising out of or in any way connected with the operation or use of said vessels or the performance by the berth agent of any of its obligations hereunder, including but not limited to any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels, and including but not limited to claims for damages for injury to or loss of property, cargo or personal effects, and claims for damages for personal injury or loss of life.

(b) The berth agent shall be under no responsibility or liability to the United States for loss or damage to the vessels arising out of any error of judgment or any negligence on the part of any of the berth agent's officers, agents, employees, or otherwise. However, the berth agent may be held liable for loss or damage not covered by insurance or assumed by the United States as required under Article 8 of this agreement, if such loss or damage is directly and primarily caused by willful misconduct of principal supervisory shoreside personnel or by gross negligence of the berth agent in the selection of such principal supervisory personnel.

(c) In the event that the berth agent shall perform any stevedoring, terminal, or similar service for the vessels hereunder at commercial rates, the berth agent shall have all the obligations and responsibilities of the person performing such service under the standard or other approved form of contract with the United States or, in the absence of such standard or approved form, under usual commercial practice.

(d) The berth agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the berth agent should fail to perform any service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the berth agent whether or not of the same or similar nature; or shall do or fail to do any act in reliance upon instructions of military or naval authorities.

ART. 17. Wherever and whenever herein any right, power, or authority is granted or given to the United States, such right, power, or authority may be exercised in all cases by the War Shipping Administration or such agent or agents as it may appoint or by its nominee, and the act or acts of such agent or agents or nominee, when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the berth agent may rely upon the instructions and directions of the Administrator, his officers and responsible employees, or upon the instructions and directions of any person or agency authorized by the Administrator. Wherever practicable, the berth agent shall request written confirmation of any oral instructions or directions so given.

ART. 18. (a) The berth agent warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

(b) In any act performed under this agreement, the berth agent and any subcontractor shall not discriminate against any citizen of the United States of America on the ground of race, creed, color or national origin.

ART. 19. No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for

him, or for his use or benefit, or on his account shall hold or enjoy this agreement in whole or in part, except as provided in section 208, Title 18, U.S.C. The berth agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

In witness whereof, the parties hereto have executed this agreement in triplicate as of

UNITED STATES OF AMERICA,
By E. S. LAND, Administrator,
War Shipping Administration.
By _____
For the Administrator.

By _____

Attest:

Approved as to form:

General Counsel,
War Shipping Administration.

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____

a party to this agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that

who signed this agreement on behalf of said corporation, was then the duly qualified _____ of said corporation; that said officer affixed his manual signature to said agreement in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said agreement is within the scope of the corporate and lawful powers of this corporation.

Secretary.

(CORPORATE SEAL)

(c) Berth Sub-Agency Service Agreements heretofore executed will be amended to conform with the form of Berth Agency Service Agreement prescribed in paragraph (b) of this section, and, as amended, shall become effective as of 12:01 a. m. January 1, 1944: *Provided*, That, as to all matters with respect to which accountings have not been rendered prior to said effective date, the berth agent shall render such accountings directly to the War Shipping Administration rather than to the agents or general agents.

Effective as of 12:01 a. m., January 1, 1944, § 306.47 is amended to read:

§ 306.47 *Appointment of berth agents.* When a vessel assigned to an agent or general agent is required for operation in a service in which a berth agent has been recognized or approved by the War Shipping Administration, as provided in § 306.46, the War Shipping Administration will so notify the berth agent and the agent or general agent by letter or telegram.

(E.O. 9054, 7 F.R. 837; E.O. 9244, 7 F.R. 7327)

[SEAL]

E. S. LAND,
Administrator.

DECEMBER 29, 1943.

[F. R. Doc. 43-20668; Filed, December 29, 1943; 3:30 p. m.]

TITLE 47—TELECOMMUNICATION**Chapter I—Federal Communications Commission****PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES****COORDINATED SERVICE**

The commission on December 28, 1943, effective January 1, 1944, amended § 10.123 *Coordinated service* and § 10.153 *Coordinated Service* to read as follows:

Any applicant for an instrument of authorization, or existing licensee, proposing to furnish, or furnishing, a coordinated police radiocommunication service to one or more municipalities, counties, or governmental agencies, other than the applicant or licensee, must make specific notarized request, in duplicate, for authority to furnish such service. Applications for such authority should contain a full and complete description of the service to be rendered, including information as to whether one-way dispatching service to mobile units or two-way radiocommunication service is to be provided. If two-way service is contemplated, the application should state who will be the licensee of the portable-mobile radio units involved. Licensees of police radio stations shall not operate as communications common carriers. However, a licensee of such a station may accept for the cooperative use of the station, only contributions to capital and operating expenses, on a cost sharing basis, from those to whom it renders coordinated service.

(Sec. 4 (1), 48 Stat. 1068; 47 U.S.C. 154 (1))

[SEAL] **FEDERAL COMMUNICATIONS COMMISSION,**
T. J. SLOWIE, *Secretary.*

[F.R. Doc. 43-20689; Filed, December 30, 1943; 10:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS**Chapter II—Office of Defense Transportation**

[Administrative Order ODT 11]

PART 503—ADMINISTRATION**PROCEDURES AND DELEGATION OF AUTHORITY PURSUANT TO AMENDMENT 1 TO GENERAL ORDER ODT 16**

Amendment 1 to General Order ODT 16 establishes permit requirements covering the offering of carload and truckload shipments of domestic or import freight for transportation to or within port areas named in Appendix A thereof when such shipments are intended for storage in public warehouses for account of government agencies. This Administrative Order ODT 11 establishes procedures to be followed in the application for and the issuance of such permits, and delegates authority to designated port storage officers to issue permits authorizing the offering of government import

freight for transportation to or within designated port areas for storage in public warehouses.

Pursuant to § 502.49 of General Order ODT 16, as amended, it is hereby ordered, that:

§ 503.295 *Application for and issuance of ODT port storage forwarding permits covering shipments of government domestic freight.* Application for the issuance of an ODT port storage forwarding permit authorizing the offering of carload or truckload shipments of domestic freight for transportation to or within a port area for storage in a public warehouse for account of a government agency, shall be made by the interested government agency to the Director, Division of Storage, Office of Defense Transportation, Washington 25, D. C. Such application shall be submitted on joint application and permit form ODT S-137 which has been prescribed by the Office of Defense Transportation, and is reproduced as Appendix B hereof. When approved the document will constitute an ODT port storage forwarding permit authorizing the offering for transportation of the shipments described in such permit, subject to the conditions outlined in the permit.

§ 503.296 *Application for and issuance of ODT port storage forwarding permits covering shipments of government import freight; delegation of authority.* (a) Application for the issuance of an ODT port storage forwarding permit authorizing the offering of carload or truckload shipments of import freight for transportation to or within a port area for storage in a public warehouse for account of a government agency shall be made by the interested government agency to the appropriate port storage officer named in Appendix A hereof, on

joint application and permit form ODT S-138 which has been prescribed by the Office of Defense Transportation and is reproduced as Appendix C hereof. When such application has been approved by an appropriate port storage officer it will constitute an ODT port storage forwarding permit authorizing the offering for transportation of the shipments described in such permit, subject to the conditions outlined in the permit.

(b) Subject to the general supervision of the Director, Division of Storage, Office of Defense Transportation, each port storage officer named in Appendix A hereof is hereby authorized to issue, in his discretion, ODT port storage forwarding permits authorizing the offering of carload or truckload shipments of government import freight for transportation within any port of arrival shown opposite his name in Appendix A hereof to public warehouses located within such port area, or for transportation from such port of arrival to public warehouses located in any other port shown in Appendix A hereof.

(c) The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific recording and reporting requirements hereafter prescribed in connection with this order shall be subject to the Federal Reports Act of 1942.

This Administrative Order ODT 11 shall become effective January 10, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; Gen. Order ODT 16, as amended, 7 F.R. 5194, 8 F.R. 16220, 17001)

Issued at Washington, D. C., this 30th day of December 1943.

L. M. NICOLSON,
Director, Division of Storage,
Office of Defense Transportation.

APPENDIX A—PORT STORAGE OFFICERS AUTHORIZED TO ISSUE ODT PORT STORAGE FORWARDING PERMITS COVERING GOVERNMENT IMPORT FREIGHT, AND PORTS OVER WHICH EACH DESIGNATED PORT STORAGE OFFICER WILL HAVE JURISDICTION IN THE MATTER OF ISSUANCE OF SUCH PERMITS

Port of arrival	Port storage officer authorized to issue port storage forwarding permits	Address
Boston, Mass.	William F. Barwell	Room 127, Boston Chamber of Commerce Building, Boston 10, Mass.
New York, N. Y.	Joseph E. Bishop	Room 2103, 19 Rector St., New York 6, N. Y.
Philadelphia, Pa.	Donald M. Jenks	Room 1229, Suburban Station Bldg., Philadelphia 3, Pa.
Camden, N. J.	James B. Sweeney	Room 723, Muncy Bldg., Baltimore 2, Md.
Baltimore, Md.	George Schamberger	Room 310, Flat Iron Bldg., Norfolk 19, Va.
Norfolk, Va.	James A. Van Dehlen	Room 204, Peoples Office Bldg., Charleston 3, S. C.
Newport News, Va.	John P. Imbay	Room 603, Barnett National Bank Bldg., Jacksonville 2, Fla.
Portsmouth, Va.	Earl L. Coons	Room 712, Wallace S. Bldg., Tampa 2, Fla.
Savannah, Ga.	Edwin R. Brown	Room 433, Federal Bldg., Mobile, Ala.
Jacksonville, Fla.	John M. Fuch	Room 1842, Canal Bank Bldg., New Orleans 12, La.
Tampa, Fla.	Lilburn S. Beaune	Room 707, Electric Bldg., Houston, Tex.
Mobile, Ala.	Morgan Hunter	Room 433, 1631 South Broadway, Los Angeles 15, Calif.
Pensacola, Fla.	William O. Juergens	Room 413, 1245 Market St., San Francisco 3, Calif.
New Orleans, La.	Daniel J. McGarity	Room 1262, American Bank Bldg., Portland 5, Oreg.
Houston, Tex.	Carl R. Elander	Room 1123, White-Henry-Stuart Bldg., Seattle 1, Wash.
Galveston, Tex.		
Los Angeles, Calif.		
San Francisco, Calif.		
Oakland, Calif.		
Richmond, Calif.		
Portland, Oreg.		
Vancouver, Wash.		
Seattle, Wash.		
Bellingham, Wash.		
Everett, Wash.		
Olympia, Wash.		
Tacoma, Wash.		

Form ODT S-137

APPENDIX B

Budget Bureau No. 05-R116
Approval Expires: 7/15/44OFFICE OF DEFENSE TRANSPORTATION
DIVISION OF STORAGE

RESTRICTED

GOVERNMENT DOMESTIC FREIGHT

Port storage forwarding permit No. _____
(Permit number must be shown on shipping order or other appropriate shipping document.)

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C. 31 and 32, as amended. Its transmission to or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

This joint application and permit form is authorized by General Order ODT 16, as amended, or reissued, and is to be used by U. S. Government agencies in applying to the Office of Defense Transportation for authority to offer carload or truckload shipments of domestic freight for transportation to or within a port area for storage in a public warehouse.

When approved this document will constitute a Port Storage Forwarding Permit authorizing the offering for transportation of the shipments described herein subject to the conditions outlined below:

Number and kind of packages	Description of goods	Estimated gross weight
	Total number of carloads _____, or truckloads _____	

1. Requesting Agency and Address: _____
 2. Shipper and Address: _____
 3. Consignee and Address: _____
 4. Origin: _____ 5. Destination: _____
 6. Week or weeks of intended arrival of freight at port: _____
 7. Name and address of public warehouse where freight is to be stored: _____
 8. Maximum quantity to be delivered to storage daily: Carloads _____ Truckloads _____
 9. Estimated period of time freight is to remain in storage: _____
 10. Type of delivering carrier (check): Rail _____ Truck _____ Water _____
- Remarks: _____
- Permit issued: _____ Permit to forward to storage expires: _____
(Date) (Date)

Approved: _____
Director, Division of Storage
Washington 25, D. C.

APPENDIX C

Form ODT S-138

Budget Bureau No. 05-R117
Approval Expires: 7/15/44OFFICE OF DEFENSE TRANSPORTATION
DIVISION OF STORAGE

RESTRICTED

GOVERNMENT IMPORT FREIGHT

Port storage forwarding permit No. _____
(Permit number must be shown on shipping order or other appropriate shipping document.)

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C. 31 and 32, as amended. Its transmission to or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

This joint application and permit form is authorized by General Order ODT 16, as amended, or reissued, and is to be used by U. S. Government agencies in applying to the Office of Defense Transportation for authority to offer carload or truckload shipments of import freight for transportation to or within a port area for storage in a public warehouse.

When approved this document will constitute a Port Storage Forwarding Permit authorizing the offering for transportation of the shipments described herein subject to the conditions outlined below:

Number and kind of packages	Description of goods	Estimated gross weight
	Total number of carloads _____, or truckloads _____	

1. Requesting Agency and Address: _____
 2. Consignee and Address: _____
 3. Port of Arrival: _____
 4. Approximate date storage required: _____
 5. Name and address of public warehouse where freight is to be stored: _____
 6. Maximum quantity to be delivered to storage daily: Carloads _____ Truckloads _____
 7. Estimated period of time freight is to remain in storage: _____
 8. If any portion of the freight described above is to be re-exported state the amount _____ and the approximate date of re-exportation: _____
 9. State whether freight is to be stored under customs bond (check): Yes _____ No _____
 10. Type of delivering carrier (check): Rail _____ Truck _____ Water _____
- Remarks: _____
- Permit issued: _____ Permit to forward to storage expires: _____
(date) (date)

Approved: _____
Port Storage Officer
(City) (State)

[F. R. Doc. 43-20703; Filed, December 30, 1943;
11:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

HARNEY PROJECT, OREG.

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 22, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Harney project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental order of March 17, 1916, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

HARNEY PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 20 S., R. 29 E.,
Sec. 30, S $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 31, NW $\frac{1}{4}$.

H. W. BASHORE,
Commissioner.

I concur December 14, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office,
Department of the Interior.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

DECEMBER 18, 1943.

[F. R. Doc. 43-20704; Filed, December 30, 1943;
11:27 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, Gen. Permit 8]

COMMON CARRIERS BY RAILROAD

ICEING OF CITRUS FRUITS FROM ARIZONA AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To ice once, at the first regular icing station, with enough ice to fill to capacity bunkers of refrigerator cars loaded with citrus fruits originating in Arizona and California.

The waybill shall show reference to this general permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of December 1943, to become effective at 12:01 A. M., December 30, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-20690; Filed, December 30, 1943;
10:51 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2340]

LOUISE KOCH, ET AL.

In re: Interest in a trust estate administered by the Atlantic National Bank

of West Palm Beach and owned by Louise Koch and other German nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. All right, title, interest and claim of the persons whose names and last known addresses appear on Exhibit A, attached hereto and by reference made a part hereof, and the benefits secured to them, and each of them, in and to that certain trust estate being administered by the Atlantic National Bank of West Palm Beach, Florida, as successor trustee, pursuant to the Declaration of Trust executed August 5, 1932 between the Power City Trust Company and the Central Farmers' Trust Company, together with all rights, powers and authority of revocation or of modifications of said declaration, and specifically the right to demand a conveyance of the property constituting the corpus of the trust and the right to assign or transfer their interests in the trust estate,

b. All right, title and interest of the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, and each of them, in and to the following insurance policies: Fire Insurance Policy No. 12-28818 issued by the American Equitable Assurance Company, Wind Insurance Policy No. T12-505239 issued by the American Equitable Assurance Company, and Public Liability Insurance Policy No. Ech-61039 issued by the United States Fidelity and Guaranty Company, and

c. All right, title, interest and claim of any name or nature whatsoever of the persons whose names and last known addresses appear in Exhibit A, attached hereto and by reference made a part hereof, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them, or any of them, by the Atlantic National Bank of West Palm Beach, Successor Trustee, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly any and all claims against the Atlantic National Bank of West Palm Beach, Successor Trustee, arising out of the management of the property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of an enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a

hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order.

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names, Last Known Addresses and Fractional Interests

Louise Koch, Rohrdorf bei Nagold, Germany, $\frac{1}{2}$.
Pauline Silber, Kirchheim-unter-Teck, Germany, $\frac{1}{2}$.
Herman Schmid, Weinsberg, Wurttemberg, Germany, $\frac{1}{2}$.
Walter Schmid, Weinsberg, Wurttemberg, Germany, $\frac{1}{2}$.
Elise Sigel Stoll, Kirchheim-unter-Teck, Germany, $\frac{1}{2}$.

Emma Sigel Bantlin, Erfurt, Germany, 1/5.
 Louise Sigel Krohmer, Kirchheim-unter-
 Teck, Germany, 1/5.
 Marie Sigel Schmid, Vaihingen-Stuttgart,
 Germany, 1/5.
 Karl Sigel, Kirchheim-unter-Teck, Ger-
 many, 1/5.
 Bertha Sigel Winter, Haigerloch, Ger-
 many, 1/5.
 Gottlieb Sigel, Jr. Kirchheim-unter-Teck,
 Germany, 1/5.
 Total, 2/5.

[F. R. Doc. 43-29686; Filed, December 30, 1943;
 10:34 a. m.]

[Vesting Order Number 2702]

S. MURATA AND Co.

In re: S. Murata & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That S. Murata & Co., whose place of business is 767 Wall Street, Los Angeles, California, is a sole proprietorship owned by Shunichi Murata and is a business enterprise within the United States;

2. That Shunichi Murata, whose last known address is Japan, is a national of a designated enemy country (Japan);

and determining—

3. That S. Murata & Co., a sole proprietorship, is controlled by Shunichi Murata and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Shunichi Murata in and to S. Murata & Co., a sole proprietorship, and all property of any nature whatsoever situated in the United States and owned or controlled by or payable or deliverable to, or held on behalf of or on account of, or owing to said S. Murata & Co., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Prop-

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL]

LEO T. CROWLEY,
 Alien Property Custodian.

[F. R. Doc. 43-20687; Filed, December 30, 1943;
 10:34 a. m.]

[Vesting Order 2734]

GUNZO SUGIHARA

In re: A Westinghouse Electric Refrigerator owned by Gunzo Sugihara.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Gunzo Sugihara is Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Gunzo Sugihara is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: One Westinghouse electric refrigerator, model B-6-41, style number S-992035, serial number B-197071, unit serial number 4754512, and presently stored in the warehouse of the Pacific Trading Company, 100 Sacramento Street, San Francisco, California,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive order No. 9095, as amended.

Executed at Washington, D. C., on December 3, 1943.

[SEAL]

LEO T. CROWLEY,
 Alien Property Custodian.

[F. R. Doc. 43-20688; Filed, December 30, 1943;
 10:34 a. m.]

[Vesting Order 2296]

RYOBI DENKI SHOKAI, LTD.

In re: Certain pipes and flanges owned by Ryobi Denki Shokai, Ltd., Tokio, Japan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ryobi Denki Shokai, Ltd., is a joint stock company organized under the laws of Japan, having its principal place of business in Tokio, Japan, and is a national of a designated enemy country (Japan);

2. That Ryobi Denki Shokai, Ltd., is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: a. Certain pipes and flanges particularly described in Exhibit A, attached hereto and

by reference made a part hereof, now in the possession of The National Valve & Manufacturing Company, Pittsburgh, Pennsylvania.

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

- 49 high pressure boiler feed flanges, 13½" O. D. x 3¼" thick, Japanese standard.
- 68 high pressure boiler feed flanges 11" O. D. x 2½" thick Japanese standard and 24 high pressure boiler feed flanges 9½" O. D. x 2¼" thick Japanese standard.
- 41 high pressure boiler feed flanges 22¾" O. D. x 4¾" thick Japanese standard.
- 259'1" of 5" pipe—Japanese standard.
- 843'3" of 6" pipe—Japanese standard.
- 413'1" of 8" pipe—Japanese standard.

[F. R. Doc. 43-20626; Filed, December 29, 1943; 10:49 a. m.]

[Vesting Order 2253]

SOCIETA ANONIMA MEZZERA

In re: Two "Como" hat sizing machines and a claim owned by Societa Anonima Mezzera, Milan, Italy.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Societa Anonima Mezzera is a corporation organized and existing by virtue of the laws of Italy, having its principal place of business in Milan, Italy, and is a national of a designated enemy country (Italy);

2. That Societa Anonima Mezzera is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Two "Como" hat sizing machines (Type PR), marked No. 38444 and No. 38445, weighing approximately 1624 pounds each, more or less, now in the possession of The Hat Corporation of America, South Norwalk, Connecticut;

b. All right, title, interest and claim of Societa Anonima Mezzera in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Societa Anonima Mezzera, Milan, Italy, by Durex Abrasives Corporation, 63 Wall Street, New York, New York, and appearing on the books of Durex Abrasives Corporation as an account payable to Societa Anonima Mezzera, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20627; Filed, December 23, 1943; 10:49 a. m.]

[Vesting Order 2345]

ERICH SCHROEDER

In re: A violoncello owned by Erich Schroeder.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Erich Schroeder is Hamburg, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Erich Schroeder is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:
A violoncello bearing the inscription in the interior: "Francesco Ruggieri detto il per Cremona 16 . . ." now in the custody of Emil Herrmann Rare Violins Inc., 130 West 57 Street, New York, New York, on consignment for sale,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Prop-

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20628; Filed, December 29, 1943;
10:49 a. m.]

[Vesting Order 2347]

HANS PORTACH

In re: One trunk and its contents owned by Hans Portach.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding

1. That the last known address of Hans Portach is Germany and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Hans Portach is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: One trunk and its contents, owned by Hans Portach, stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York City, in the name of Hans Portach,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be

deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20629; Filed, December 29, 1943;
10:49 a. m.]

[Vesting Order 2768]

ELIZABETH VON FEST

In re: A mortgage on real property owned by Elizabeth Von Fest.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Elizabeth Von Fest is Post St. Peter bei Graz, Schloss Reintal, Austria, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Elizabeth Von Fest is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: A certain mortgage executed on June 12, 1936 by Stephen Gola and Anna Gola, his wife, and recorded June 12, 1936 in the Clerk's Office of Burlington County, New Jersey, in Book 295 of Mortgages, folio 118 &c., and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in para-

graph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 11, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20630; Filed, December 29, 1943;
10:50 a. m.]

[Vesting Order 2800]

RAYMOND KAUSAL

In re: Estate of Raymond Kausal, deceased; File D-17-230; E. T. sec. 6056.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Cook County, County Building, Chicago, Illinois, Depositary, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Theresa Kausal Touche, Germany (Sudetenland).

Mary Kausal Lobel, Germany (Sudetenland).

Elizabeth Hensel, Germany (Sudetenland).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and

certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$1,859.64 which is in the possession and custody of Victor L. Schlaeger, Treasurer of Cook County, Illinois, Depositary, which amount was deposited with the Treasurer of Cook County, Illinois on April 21, 1943 pursuant to an order of the Probate Court of Cook County, Illinois of November 27, 1942 to the credit of the aforesaid nationals, in the matter of the estate of Raymond Kausal, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20647; Filed, December 29, 1943;
10:51 a. m.]

[Vesting Order 2801]

FRANK KRIEGLER

In re: Estate of Frank Kriegler, deceased; File D-56-925; E. T. sec. 5760.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Treasurer of Cook County, County Building, Chicago, Illinois, Depositary, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Alois Kriegler, Germany (Austria).
Joseph (Josef) Kriegler, Germany (Sudetenland).

Josephine (Jozefa) Geniech (Jenlech), Germany (Sudetenland).

Moritz (Amalia or Mall) Hedrich, Germany (Sudetenland).

Aloisia Hornlecher, Germany (Sudetenland).

Mall (Amalia) Reichl, Germany (Sudetenland).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$2,623.79 which is in the possession and custody of Victor L. Schlaeger, Treasurer of Cook County, Illinois, Depositary, pursuant to an order of the Probate Court of Cook County, Illinois, in the matter of the estate of Frank Kriegler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be directed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20631; Filed, December 29, 1943;
10:47 a. m.]

[Vesting Order 2802]

KIRK LAMBERT

In re: Estate of Kirk Lambert, deceased; File D-28-7729; E. T. sec. 8109.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the

process of administration by Frank A. Engel, Executor, 2168 Windsor Avenue, Chicago, Illinois, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hilma Wasilko, Germany.

Anna Gawor, Germany.

Elsie Trautman, Germany.

Carl Zippredt, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hilma Wasilko, Anna Gawor, Elsie Trautman and Carl Zippredt, and each of them, in and to the estate of Kirk Lambert, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20632; Filed, December 29, 1943;
10:47 a. m.]

[Vesting Order 2803]

ALICE A. MILLER

In re: Estate of Alice A. Miller, deceased; File D-66-642; E. T. sec. 4380.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the American Trust Company and Henry Z. Jones, Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Wilhelmina Gramann, Germany.
Doretta Brunotti, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelmina Gramann and Doretta Brunotti, and each of them, in and to the Estate of Alice A. Miller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20633; Filed, December 29, 1943;
10:47 a. m.]

[Vesting Order 2804]

JOSEPH MOELLER

In re: Estate of Joseph Moeller, deceased; File D-28-2510; E. T. sec. 3677.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Penrose E. Romig, Judge of the County Court of Box Butte County, Nebraska, Depositary, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Box Butte;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marie Hell, Germany.
Anna Eisenacher, Germany.
Gretel Niebergall, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the sum of \$1,232.76 in the hands of Penrose E. Romig, Judge of the County Court of Box Butte County, Nebraska, under that court's order of March 11, 1943, directing that this cash "be disposed of in such manner as the law provides"; also all right, title, interest and claim of any kind or character whatsoever of Marie Hell, Anna Eisenacher and Gretel Niebergall, and each of them, in and to the estate of Joseph Moeller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20634; Filed, December 29, 1943;
10:47 a. m.]

[Vesting Order 2805]

JEAN A. PADDOCK

In re: Trust under the will of Jean A. Paddock, deceased; File No. D-39-1531; E. T. sec. 5192.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by United States Trust Company of New York, trustees, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Japan, namely Michi Kawai, whose last known address is Japan,

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Michi Kawai, in and to the trust created under the will of Jean A. Paddock, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20635; Filed, December 29, 1943;
10:47 a. m.]

[Vesting Order 2806]

OTTO SAUER

In re: Estate of Otto Sauer, deceased; File D-28-3701; E. T. sec. 6122.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert R. Troyer, County Judge, Douglas County Court House, Omaha, Nebraska, Depository, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helene (Helen, Helena) Zitzwitz, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the sum of \$500.00 on deposit with the Douglas County Court, Nebraska, for distribution to Helene (Helen, Helena) Zitzwitz as provided for by order of the Douglas County Court entered on May 6, 1943,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20636; Filed, December 29, 1943; 10:48 a. m.]

[Vesting Order 2307]

WM. SCHODDE

In re: Trust created by Court decree in the Estate of Wm. Schodde, also known as William Schodde, deceased; File D-66-1304; E. T. sec. 8112.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Nevada, Trustee, acting under the judicial supervision of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Wilhelmine Bick, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Wilhelmine Bick in and to the Trust created by Court decree in the Estate of Wm. Schodde, also known as William Schodde, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20637; Filed, December 29, 1943; 10:48 a. m.]

[Vesting Order 2663]

BERTHA LEHNENDORFF SMITH

In re: Estate of Bertha Lehnendorff Smith, deceased; File D-23-3433; E. T. sec. 5463.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James M. Essar, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ida Gross Krutch, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ida Gross Krutch, in and to the Estate of Bertha Lehnendorff Smith, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20638; Filed, December 29, 1943; 10:48 a. m.]

[Vesting Order 2809]

WILBERT EDWARD STRATTON

In re: Trust under the Will of Wilbert Edward Stratton, deceased; File D-66-797; E. T. sec. 4620.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by City Bank Farmers Trust Company, 22 William Street, New York City, Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Joyce Nanassy-Megay, and her issue, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Joyce Nanassy-Megay, and her issue, in and to the trust created under the Last Will and Testament of Wilbert Edward Stratton, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20639; Filed, December 29, 1943;
10:48 a. m.]

[Vesting Order 2810]

CHARLES TIEDEMAN, ET AL.

In re: Partition Suit Charles Tiedeman, et al. vs. Arthur Poole, et al.; File No. D-28-3893; E. T. sec. 6652.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Gorman F. Clark, 147 East High Street, London, Madison County, Ohio, Sheriff, acting under the judicial supervision of the Court of Common Pleas of the State of Ohio, in and for the County of Madison;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erna Tiedeman, Germany.
Hans Tiedeman, Germany.
Maja Tiedeman, Germany.
Max Tiedeman, Germany.
Wolfgang Tiedeman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$607.59 which is in the possession and custody of Gorman F. Clark, Sheriff of Madison County, Ohio, depository, pursuant to order entered April 17, 1943, by the Common Pleas Court of Madison County, Ohio, in the matter of the partition suit entitled, "Charles Tiedeman, et al. vs. Arthur Poole, et al., Case No. 17762,"

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20640; Filed, December 29, 1943;
10:48 a. m.]

[Vesting Order 2811]

JAMES ULMANN

In re: Trust under the will of James Ulmann, deceased; File No. D-28-6582; E. T. sec. 5018.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur J. Cohen and Alfred Eckstein, trustees, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Lilli Ullmann, whose last known address is Germany,

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Lilli Ullmann, in and to the trust under the will of James Ulmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20641; Filed, December 29, 1943;
10:48 a. m.]

[Vesting Order 2812]

JOSEPHINE VON OPPEN

In re: Estate of Josephine von Oppen, deceased; File D-28-1512; E. T. sec. 208.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry von Oppen, Jr., 4041 North Parkside Avenue, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Amelia von Oppen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Amelia von Oppen in and to the estate of Josephine von Oppen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20642; Filed, December 29, 1943;
10:49 a. m.]

[Vesting Order 2813]

FRED WEINMAN

In re: Trust under the Will of Fred Weinman, deceased; File D-28-1484; E. T. sec. 792.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First Galesburg National Bank and Trust Company, 292 East Main Street, Galesburg, Illinois, Trustee, acting under the judicial supervision of the Circuit Court of the State of Illinois, in and for the County of Knox;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Weinman, Germany.

Martin Weinman, Germany.

Susanna Bender, Germany.

Lena Weinman, Germany.

Elizabeth Krotz, Germany.

Freda Weinman, Germany.

Person or persons, names unknown, children of Martin Weinman, Susanna Bender, Lena Weinman, Elizabeth Krotz and Freda Weinman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$2,633.70 which is in the process of administration by and in the possession and custody of the First Galesburg National Bank and Trust Company, Trustee under the Will of Fred Weinman, deceased; also all right, title, interest and claim of any kind or character whatsoever of Herman Weinman, Martin Weinman, Susanna Bender, Lena Weinman, Elizabeth Krotz, Freda Weinman and person or persons, names unknown, children of Martin Weinman, Susanna Bender, Lena Weinman, Elizabeth Krotz and Freda Weinman, and each of them, in and to the trust created under the Will of Fred Weinman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20643; Filed, December 29, 1943;
10:49 a. m.]

[Vesting Order 2814]

SELMA WENZEL

In re: Trust under will of Selma Wenzel, deceased; File No. D 9-100-22-2437; E. T. sec. 3658.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Title Guarantee and Trust Company, Trustee, acting under the judicial supervision of the Surrogate's Court of the County of Richmond, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Wenzel, Steinack Thuringia, Germany. The issue of Otto Wenzel whose names are unknown, Germany.

Anna Wenzel Hachel, Wallendorf, Thuringia, Germany.

The issue of Anna Wenzel Hachel whose names are unknown, Germany.

Meta Wenzel Prochold, Grofenthal, Thuringia, Germany.

The issue of Meta Wenzel Prochold whose names are unknown, Germany.

Martha Beck, Ichtershausen, near Arne-stadt, Thuringia, Germany.

The issue of Martha Beck whose names are unknown, Germany.

Meta Schoner, Wallendorf, Thuringia, Germany.

The issue of Meta Schoner whose names are unknown, Germany.

Ernestine Pachtold, Wallendorf, Thuringia, Germany.

The issue of Ernestine Pachtold whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Wenzel, Anna Wenzel Hachel, Meta Wenzel Proschold, Martha Beck, Meta Schoner and Ernestine Pachold, and their issue whose names are unknown, and each of them, in and to the trust estate created under the will of Selma Wenzel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20644; Filed, December 29, 1943;
10:49 a. m.]

[Vesting Order 2822]

GIUSEPPE DELLA GHERARDESCA AND UGO LINO DELLA GHERARDESCA

In re: A participating interest in a mortgage on real property and interests in property insurance policies owned by Giuseppe della Gherardesca and Ugolino della Gherardesca.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Giuseppe della Gherardesca and Ugolino della Gherardesca are respectively L'Alodola, via Sant' Appollinare, Fiesole, Province of Firenze, Italy and Corso Regina Elena, Florence, Italy, and that they are residents of Italy

and nationals of a designated enemy country (Italy);

2. That Giuseppe della Gherardesca and Ugolino della Gherardesca are the owners of the property described in paragraph 3 hereof;

3. That the property described as follows:

(a) A participating interest to the extent of \$35,800 in a mortgage executed on October 25, 1904 by Iroquois Realty Company and recorded in the Register's Office of New York County, New York, in Liber 153 of Mortgages, page 120, identified by Mortgage Certificate Number 73515 in the possession of United States Trust Company of New York, 45 Wall Street, New York, New York, and any and all obligations secured by the interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

(b) All right, title and interest of Giuseppe della Gherardesca and Ugolino della Gherardesca in and to the insurance policies particularly described in Exhibit A, attached hereto and by reference made a part hereof, insuring the premises covered by the mortgage described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive order No. 9095, as amended.

Executed at Washington, D. C., on December 17, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Fire Insurance Policy No. F-84026 of the Pennsylvania Fire Insurance Company of Philadelphia, issued to Mina Fritz with loss, if any, payable to the United States Trust Company of New York, as its interest may appear, for a period of five years, commencing February 10, 1941, covering premises 47 W. 44 Street, New York City, in the amount of \$12,000.

Fire Insurance Policy No. 41497 of the American Insurance Company of Newark, issued to Mina E. Fritz with loss, if any, payable to the United States Trust Company of New York, as its interest may appear, for a period of five years, commencing November 3, 1939, covering premises 49-53 W. 44 Street, New York City, in the amount of \$50,000.

Fire Insurance Policy No. 336589 of the Liverpool & London & Globe Insurance Company, issued to Mina E. Fritz with loss, if any, payable to the United States Trust Company of New York, as its interest may appear, for a period of three years, commencing May 5, 1942, covering premises 49-53 W. 44 Street, New York City, in the amount of \$100,000.

Fire Insurance Policy No. 84925 of the Pennsylvania Fire Insurance Company of Philadelphia, issued to Mina E. Fritz with loss, if any, payable to the United States Trust Company of New York, as its interest may appear, for a period of five years, commencing February 3, 1941, covering premises 49-53 W. 44 Street, New York City, in the amount of \$50,000.

Fire Insurance Policy No. 3616704 of the Great American Insurance Company, issued to Mina E. Fritz with loss, if any, payable to the United States Trust Company of New York, as its interest may appear, for a period of three years, commencing August 4, 1943, covering premises 49-53 W. 44 Street, New York City, in the amount of \$50,000.

War Damage Insurance Corporation Policy No. 111-54-551, Liverpool & London & Globe Insurance Company, assuring agent, issued in the name of the United States Trust Company of New York for the account of Whom It May Concern, covering premises and contents located at 47-53 W. 44 Street, New York City, for a period of one year, commencing July 1, 1943, in the amount of \$268,590.

[F. R. Doc. 43-20648; Filed, December 29, 1943;
10:50 a. m.]

[Vesting Order 2823]

ERNEST OTTO FICKENDEY

In re: Estate of Ernest Otto Fickendey, deceased; File D-28-7903; E. T. sec. 8666; H-16.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bishop Trust Company, Ltd., Executor, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals

of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Herman Fickendey or his issue, Germany.
Albert Fickendey or his issue, Germany.
Walter Fickendey or his issue, Germany.
Carl Fickendey or his issue, Germany.
Emma Fickendey Schmidt or her issue, Germany.

Anna Fickendey Kracht or her issue, Germany.

Minna Fickendey Bussinuis or her issue, Germany.

Anna Fickendey, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Fickendey or his issue, Albert Fickendey or his issue, Walter Fickendey or his issue, Carl Fickendey or his issue, Emma Fickendey Schmidt or her issue, Anna Fickendey Kracht or her issue, Minna Fickendey Bussinuis or her issue, and Anna Fickendey and each of them in and to the Estate of Ernest Otto Fickendey, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20649; Filed, December 29, 1943;
10:50 a. m.]

[Vesting Order 2824]

JOHN MAYER

In re: Estate of John Mayer, deceased;
File D-28-3421; E. T. sec. 5421.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Wilhelm Sankowsky, Executor, acting under the judicial supervision of the Hudson County Orphans' Court, Hudson County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Else Jurgan, her heirs, administrators and assigns, whose names are unknown, Germany.

Martin Dumbries, his heirs, administrators and assigns, whose names are unknown, Germany.

Anna Sedelles, her heirs, administrators and assigns, whose names are unknown, Germany.

Marla Matutes, her heirs, administrators and assigns, whose names are unknown, Germany.

Anna Jurgan, her heirs, administrators and assigns, whose names are unknown, Germany.

Grete Jurgan, her heirs, administrators and assigns, whose names are unknown, Germany.

Marie Broczert, her heirs, administrators and assigns, whose names are unknown, Germany.

Grete Tumelt, her heirs, administrators and assigns, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Else Jurgan, her heirs, administrators and assigns, whose names are unknown, Martin Dumbries, his heirs, administrators and assigns, whose names are unknown, Anna Sedelles, her heirs, administrators and assigns, whose names are unknown, Marla Matutes, her heirs, administrators and assigns, whose names are unknown, Anna Jurgan, her heirs, administrators and assigns, whose names are unknown, Grete Jurgan, her heirs, administrators and assigns, whose names are unknown, Marie Broczert, her heirs, administrators and assigns, whose names are unknown and Grete Tumelt, her heirs, administrators and assigns, whose names are unknown, and each of them in and to the estate of John Mayer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such

property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20650; Filed, December 29, 1943;
10:50 a. m.]

[Vesting Order 2825]

AUGUSTA M. ROTH-KRUPP

In re: Trust under will of Augusta M. Roth-Krupp, deceased; File No. D-9-100-28-6563; E. T. sec. 4581.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry P. Velte and Doretta C. Wohltman, Trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Lenchen Bund, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lenchen Bund in and to trust created under the will of Augusta M. Roth-Krupp, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20651; Filed, December 29, 1943;
10:51 a. m.]

[Vesting Order 2826]

GUSTAV J. WEBER

In re: Estate of Gustav J. Weber, deceased; File No. D-28-4349; E. T. sec. 7443.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Sabina M. Weber, Executrix of the estate of Gustav J. Weber, deceased, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Theodore Gustav Weber, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order, or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Theodore Gustav Weber in and to the Estate of Gustav J. Weber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: December 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20652; Filed, December 29, 1943;
10:51 a. m.]

[Supplemental Vesting Order 2843]

REPUBLIC FILTERS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 230, dated October 12, 1942, that Republic Filters, Inc. is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. Finding that of the issued and outstanding capital stock of Republic Filters, Inc., consisting of 985 shares of common stock having a par value of \$100 a share, 1 share registered in the name of Charles C. Stalter and 1 share registered in the name of Matthew F. Raffree are beneficially owned by Seitz-Werke, G. m. b. H., Bad Kreuznach, Germany, which shares, together with 493 shares (50.05%) of the outstanding capital stock that were beneficially owned by Seitz-Werke, G. m. b. H., Bad Kreuznach, Germany, prior to vesting said 493 shares of stock, are evidence of control of said business enterprise;

3. Finding that Seitz-Werke, G. m. b. H., whose principal place of business is Bad Kreuznach, Germany, is a national of a designated enemy country (Germany);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 2 shares of the capital stock of Republic Filters, Inc., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

propriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20653; Filed, December 29, 1943;
10:51 a. m.]

[Vesting Order 1881, Amdt.]

GEORG MUELLER, M. GEORG MUELLER AND
ORIGINAL LAMINATED PATENT BARREL CO.,
INC.

Vesting Order Number 1881 dated July 23, 1943, is hereby amended as follows and not otherwise:

By the addition to paragraph 5 (b) thereof, the words: "and to the purchase of certain machinery and equipment consisting of five (5) crates and twenty-six (26) cases marked MCM 101-131 at the bonded warehouse of Republic Storage Warehouse, 628-642 West 45th Street, New York City."

All other provisions of said Vesting Order No. 1881 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 27, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-20654; Filed, December 29, 1943;
10:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMFR 148, Amdt. 4 to Order 33]

DRESSED HOGS AND WHOLESALE PORK CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

Correction

In F.R. Doc. 43-19274, appearing on page 16300 of the issue for Friday, December 3, 1943, the effective date should read "December 1, 1943".

Regional and District Office Orders.

[Region I Order G-1 Under RMPP 269, Amdt. 2]

POULTRY IN BOSTON, MASS., REGION

Amendment No. 2 to Order No. G-1 under Revised Maximum Price Regulation No. 269. Poultry.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1429.14 (e) of Revised Maximum Price Regulation No. 269 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That paragraph (c) be amended as follows:

1. After subparagraph (2) of paragraph (c) the following new subparagraph number (2a) is inserted to read as follows:

(2a) Any person who distributes live native poultry items to the customary receiving point of any of the following farmers' cooperative poultry associations may sell or deliver such live native poultry items to such association or associations at the maximum base prices established herein at such customary receiving point plus 2 cents per pound:

Brockton Cooperative Egg Auction Association, Inc., 491 West Main Street, Avon, Massachusetts.

Connecticut Farmers' Cooperative Auction Association, 91 Church Street, East Hartford, Connecticut.

Hamden Cooperative Poultry Auction, Inc., 2311 Whitney Avenue, Hamden, Connecticut.
Rhode Island Cooperative Auction Association, Inc., Johnston, Rhode Island.

Springfield Cooperative Auction Market Association, Inc., 173 Liberty Street, Springfield, Massachusetts.

United Cooperative Farmers, Inc., Fitchburg, Massachusetts.

Willimantic Egg & Poultry Auction, Inc., Willimantic, Connecticut.

2. Subparagraph (3) of paragraph (c) is amended to read as follows:

(3) Any person who transports live native poultry items for a distance of five miles or more to the customary receiving point of a city dresser or of any of the farmers' cooperative poultry associations listed in subparagraph (2a) of this paragraph (c) may sell or deliver such native poultry items to such city dresser or to such association or associations at the maximum base price established herein at such customary receiving point plus the permitted increase allowed in subparagraph (2) or in subparagraph (2a) of this paragraph (c), whichever is applicable, and the following permitted increases in cents per pound:

Shortest distance in road miles or railroad miles from the place where transport of live poultry begins to the place where such transport ends:

	Maximum permitted increase in cents per pound
Less than 5 miles.....	No increase.
5 to 50 miles.....	1/2.
50 to 100 miles.....	3/4.
100 to 150 miles.....	1.
150 miles and over.....	1 1/4.

This amendment shall become effective December 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R., 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 42-20573; Filed, December 23, 1943; 12:43 p. m.]

[Region I Order G-17 Under 18 (c), Amdt. 1]

CERTAIN KINDLING WOOD IN METROPOLITAN BOSTON AREA

Amendment 1 to Region I General Order No. G-17 under section 18 (c) of the General Maximum Price Regulation. Four-inch bagwood in metropolitan Boston area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, *It is hereby ordered*, That the title and the first unnumbered paragraph of paragraph (a) be amended, that a new subdivision (ix) be added to subparagraph (1) of paragraph (a) and that the unnumbered paragraph fixing the effective date be lettered (d) and amended, all to read as follows:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain kindling wood sold and delivered in the metropolitan Boston area are modified so that the maximum prices for four-inch bagwood and eight-inch wood sold and delivered therein in the transactions listed below shall be the prices (in dollars and cents) set forth below:

FOUR-INCH BAGWOOD	
By producers to baggers, f. o. b. producer's yard.....	Per cord \$4.00
At bagger's yard.....	Per bag \$9.07
Delivered by baggers or peddlers to retail stores.....	.69
By retail stores to ultimate consumers.....	.12
By peddlers delivered to the ultimate consumer.....	.12
By chain stores to ultimate consumers.....	.11

EIGHT-INCH WOOD	
F. o. b. producer's yard.....	Per cord \$4.00

(ix) "Eight-inch wood" means any type of waste wood produced or processed for the purpose of commercial use as a fuel, sold normally in eight-inch lengths.

(d) (1) This order shall become effective March 17, 1943.

(2) Amendment No. 1 shall become effective December 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 13, 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-20574; Filed, December 23, 1943; 12:43 p. m.]

[Region I Order G-26 Under RMPP 122]

SOLID FUELS IN PORTSMOUTH-KITTERY, MAINE, AREA

Order No. G-26 under Revised Maximum Price Regulation No. 122. Solid Fuels sold and delivered by dealers. Specified solid fuels in Portsmouth-Kittery area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Portsmouth-Kittery, New Hampshire, area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-26 is explained in paragraph (f), and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-26. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-26 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of New Hampshire and Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I; sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered to consumers at any point in the Portsmouth-Kittery area.

Kind and size	Per cord	1/2 ton	1/4 ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.75	\$3.00	\$4.00	\$1.00
Pea.....	16.25	8.10	4.20	.90
Buckwheat.....	12.80	6.40	3.20	.75
Rice.....	11.65	6.00	3.15	.70
Yard screenings.....	4.00			
Coke: Egg, stove, and chestnut.....	15.65	8.00	4.15	.90
Anthracite.....	15.05	7.55	3.95	.85

(2) *Terms of sale.* If payment is made by the buyer within ten days after

receipt of the fuel, the maximum per net ton prices set forth above shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by \$1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of yard screenings. If payment is not required or made at the time of delivery or (except in the case of less than ton lots and the case of yard screenings) within ten days thereafter, terms shall be net 30 days.

(3) *Maximum authorized service and deposit charges.* (a) No additional charge shall be made for any carrying or wheeling which may be necessary to effect delivery into consumer's bin or storage space, except for carries up flights of stairs of quarter-ton and larger quantities: *Provided*, That on deliveries to consumers at the War Housing Project in Portsmouth, New Hampshire, known as Wentworth Acres the dealer may, whenever the management of said project refuses to allow the dealer's delivery truck to be driven upon the lawn, charge 50 cents per ton, 25 cents per half-ton and 15 cents per quarter-ton for carrying or wheeling, exclusive of charges for carries up flights of stairs.

(b) If the buyer requests such services of him the dealer may make the following charges for any carry up flights of stairs:

	Per net ton	Per ½ ton	Per ¼ ton
Maximum charge per flight.....	\$1.00	\$0.50	\$0.25

If delivery cannot be made into consumer's bin or storage space without a carry up or down one or more flights of stairs, and the buyer does not request such carry service, the prices established hereby shall apply when the fuel is delivered to the available point nearest and most accessible to the flight of stairs which must be used to gain access to the bin or storage space.

(c) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as pre-determined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Portsmouth-Kittery area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut.....	\$17.00	\$8.50	\$4.40	\$0.90
Pea.....	15.45	7.75	4.05	.80
Buckwheat.....	12.05	6.05	3.20	.65
Rice.....	11.20	5.60	2.95	.60
Yard screenings.....	3.45			
Coke: Egg, stove, and chestnut.....	15.20	7.60	3.95	.80
Ambricoal.....	14.30	7.15	3.75	.75

(2) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum per net ton prices set forth above shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by \$1.00 per ton, which reduction is a "cash discount". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of yard screenings. If payment is not required or made at the time of delivery or (except in the case of less than ton lots and the case of yard screenings) within ten days thereafter, terms shall be net 30 days.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Portsmouth-Kittery area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.....	\$14.75	\$7.40	\$3.70
Pea.....	13.20	6.60	3.30
Buckwheat.....	9.80	4.90	2.45
Rice.....	8.95	4.50	2.25
Yard screenings.....	3.45		
Coke: Egg, stove and chestnut.....	12.95	6.50	3.25
Ambricoal.....	12.05	6.05	3.05

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the seller as a deposit on, or as pre-determined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states

it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however*, That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Portsmouth-Kittery area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Portsmouth-Kittery area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in Order G-26, the term:

(1) "Portsmouth-Kittery area" shall include the cities and towns of Greenland, New Castle, Newington, Portsmouth and Rye in the State of New Hampshire, except for that part of the town of Rye known as Isle of Shoals; and in the State of Maine the towns of Elliot, York and Kittery and the village of Ogunquit in the town of Wells.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-26 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-26 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-26 shall give to each purchaser an invoice or similar document showing (i) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (ii) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (i) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-26 shall become effective December 27, 1943.

No. 260—5

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43-20579; Filed, December 23, 1943;
12:40 p. m.]

[Region I Order G-27 Under RMFR 122]

SOLID FUELS IN SPRINGFIELD, MASS.

Order No. G-27 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Solid fuels in Springfield, Massachusetts.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) Any dealer in solid fuels who has terminal facilities located within the city limits of the City of Springfield, Massachusetts, may calculate his maximum price for a delivery of solid fuel to a consumer whose bin or storage facility is located more than ten (10) miles from the city limits of Springfield, Massachusetts, by adding to his maximum price for a like sale to a purchaser whose bin or storage facility is located within the ten (10) mile distance the following amounts:

Size of delivery:	Permitted addition
One ton.....	\$1.50
Two tons.....	1.25
Three tons or more.....	1.00

(b) Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(c) Lower prices than those set forth herein may be charged, paid or offered.

(d) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(e) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-27 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of December 1943.

GORDON K. CREIGHTON,
Acting Regional Administrator.

[F. R. Doc. 43-20572; Filed, December 23, 1943;
12:44 p. m.]

[Region I Order G-23 Under RMFR 122]

SOLID FUELS IN LEWISTON-AUBURN,
MAINE, AREA

Order No. G-29 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels in Lewiston-Auburn area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Lewiston-Auburn area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this order G-29 is explained in paragraph (g), and the terms used herein are defined in paragraph (h).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-29. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-29 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I; sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Lewiston-Auburn area.

Kind and size	Per net ton	1/4 ton	1/2 ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$18.25	\$9.40	\$4.80	\$1.60
Pea.....	16.70	8.00	4.45	.60
Buckwheat.....	14.75	7.25	3.60	.80
Rice.....	13.45	7.00	3.60	.75
Yard screenings.....	4.00			
Coke: Egg, stove, and chestnut.....	17.00	8.75	4.50	.60
Amtrical.....	16.20	8.40	4.35	.60

Provided, however, That the following amounts may be added to the foregoing prices for deliveries to consumers whose bins or storage facilities are located in the following places:

	Per net ton	Per ½ ton	Per ¼ ton
Durham, Greene, Mechanics Falls, Minot, Turner, Wales, Webster, and the village of Lisbon in the town of Lisbon.....	\$0.50	\$0.25	\$0.15
Buckfield, Leeds, New Gloucester, Raymond, Poland and the village of Lisbon Falls in the town of Lisbon.....	1.00	.50	.25

(2) *Maximum authorized service charges and charges for bags.* (a) The maximum prices per 100 pounds include carrying or wheeling to consumer's bin or storage space. If the consumer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the consumer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
(i) For any carry or wheel from a "direct delivery" point which does not involve a carry up or down a flight of stairs.....	Cents 50	Cents 25	Cents 15
(ii) For any carry or wheel which involves one or more flights of stairs.....			
(a) Straight carry plus one flight up or down.....	75	40	20
(b) Each additional flight.....	50	25	15

(b) The maximum charge for any bags furnished by the dealer shall be 10 cents per bag.

(c) *Price Schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Lewiston-Auburn area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut.....	\$17.25	\$8.90	\$4.55	\$0.90
Pea.....	15.70	8.10	4.20	.80
Buckwheat.....	13.55	7.05	3.65	.70
Rice.....	12.45	6.50	3.35	.65
Yard screenings.....	3.00			
Coke: egg, stove, and chestnut.....	10.00	8.25	4.25	.80
Ambricoal.....	15.30	7.90	4.10	.80

(2) *Bagged fuel and charges for bags.* The maximum prices per 100 pounds shall apply to all sales of the specified solid fuels bagged in 100 pound bags, regardless of the total quantity involved. Said prices do not, however, include the bags. When the dealer furnishes the bags, the maximum charge for them shall be 10 cents per bag.

(d) *Price Schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Lewiston-Auburn area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.....	\$16.00	\$8.00	\$4.00
Pea.....	14.45	7.25	3.65
Buckwheat.....	12.55	6.30	3.15
Rice.....	11.45	5.75	2.90
Yard screenings.....	3.00		
Coke: Egg, stove, and chestnut.....	15.00	7.50	3.75
Ambricoal.....	14.30	7.15	3.60

(2) *Maximum authorized bagging and deposit charges.* (i) If the buyer requests such service of him, the seller may make the following charges for bagging:

	Cents
Per ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(ii) The maximum amount which may be charged by the seller for bags furnished by him shall be 10 cents per bag.

(e) *Terms of sale.* If payment is made by the buyer within ten (10) days after receipt of the fuel, the maximum prices established by paragraphs (b), (c) and (d) shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by \$1.50 per ton, or by 75 cents per half-ton, or by 35 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings, on any sales of less than a quarter ton or on any sales to consumers at the yard in 100-pound bags. If payment is not required or made at the time of delivery or (except in the case of Pennsylvania anthracite yard screenings and less than quarter-ton lots) within ten (10) days thereafter, terms shall be net thirty (30) days.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated, and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(g) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Lewiston-Auburn area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Lewiston-Auburn area, regardless of whether the dealer is located within said area.

(h) *Definitions.* When used in Order G-29 the term:

(1) "Lewiston-Auburn area" shall include the following cities and towns in the State of Maine: Auburn, Buckfield,

Durham, Greene, Leeds, Lewiston, Lisbon, Mechanics Falls, Minot, New Gloucester, Raymond, Poland, Turner, Wales and Webster.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite, Ambricoal and Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's vehicle at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-29 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-29 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-29 shall give to each

purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-29 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-20575; Filed, December 28, 1943;
12:41 p. m.]

[Region I Order G-30 Under RMPR 122]

SOLID FUELS IN AUGUSTA, MAINE, AREA

Order No. G-30 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels in Augusta, Maine, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by

§ 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Augusta, Maine, area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-30 is explained in paragraph (f) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-30. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-30 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Augusta, Maine Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.75	\$8.89	\$4.70	\$1.00
Pea.....	16.50	8.19	4.39	.99
Buckwheat.....	14.05	7.05	3.75	.80
Rice.....	13.19	6.55	3.25	.75
Yard screenings.....	4.00	-----	-----	-----
Coke: Egg, stove, and chestnut.....	16.00	8.00	4.25	.85
Ambrical.....	15.25	7.69	4.15	.80

(2) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by \$1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the

time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point.....	Cents 50	Cents 25	Cents 15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents per bag.

(c) *Price Schedule II: yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Augusta, Maine, area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$16.75	\$8.40	\$4.45	\$0.90
Pea.....	15.20	7.60	4.05	.80
Buckwheat.....	13.05	6.55	3.50	.70
Rice.....	12.19	6.05	3.20	.65
Yard screenings.....	3.00	-----	-----	-----
Coke: Egg, stove, and chestnut.....	15.00	7.50	4.00	.85
Ambrical.....	14.25	7.20	3.90	.80

(2) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by \$1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(3) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be charged by the dealer for burlap bags

furnished by him shall be 25 cents per bag.

(d) *Price Schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Augusta, Maine, area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.	\$14.75	\$7.40	\$3.95
Pea	13.20	6.60	3.55
Buckwheat	11.05	5.55	3.00
Rice	10.10	5.05	2.90
Yard screenings	3.00		
Coke: Egg, stove, and chestnut.	13.00	6.50	3.50
Ambricoal	12.55	6.30	3.40

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any charges for bags furnished by the seller:

	Cents
Per net ton	.50
Per half-ton	.25
Per quarter-ton	.15

(b) The maximum amount which may be charged by the seller for burlap bags furnished by him shall be 25 cents per bag.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G-30 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Augusta, Maine, area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Augusta, Maine, area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in this Order G-30, the term:

(1) "Augusta, Maine, area" shall include the following cities and towns in the State of Maine: Alna, Augusta, Chelsea, Dresden, Farmingdale, Gardiner, Hallowell, Jefferson, Litchfield, Manchester, Monmouth, Pittston, Randolph, Readfield, Richmond, West Gardiner, Whitefield, Windsor and Winthrop.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-30 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-30 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-30 shall give to each purchaser an invoice or similar document showing (i) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (ii) separately stating

any special services rendered and deposit charges made and the amount charged therefor. This paragraph (1) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE. The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G-30 shall become effective December 24, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-20580; Filed, December 28, 1943; 12:39 p. m.]

[Region I Order G-31 Under RMPR 122]

SOLID FUELS IN BRUNSWICK, MAINE, AREA

Order No. G-31 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels in Brunswick, Maine, area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256,

1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Brunswick, Maine, area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for: (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-25 is explained in paragraph (f) and the terms used herein are defined in paragraph (g). Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-31. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-31 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I; sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Brunswick, Maine, area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.70	\$9.35	\$4.70	\$1.00
Pea.....	16.70	8.85	4.45	.95
Buckwheat.....	13.55	7.30	3.65	.80
Rice.....	12.45	6.75	3.40	.75
Yard screenings.....	8.00			
Coke: Egg, stove, and chestnut.....	10.50	8.75	4.40	.95
Ambricoal.....	16.00	8.50	4.25	.90

(2) *Maximum authorized service charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space.

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point.....	\$1.00	\$0.50	\$0.25

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be charged by the dealer for bags furnished by him shall be 25 cents per bag.

(c) *Price Schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Brunswick, Maine, area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.50	\$9.10	\$4.55	\$0.90
Pea.....	16.50	8.70	4.35	.85
Buckwheat.....	13.65	7.15	3.55	.75
Rice.....	11.65	6.00	3.25	.70
Yard screenings.....	7.50			
Coke: Egg, stove, and chestnut.....	16.00	8.50	4.25	.85
Ambricoal.....	15.50	8.25	4.15	.85

(2) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be charged by the dealer for burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraph (b) and (c) shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by the following amounts:

	Per net ton	Per ½ ton	Per ¼ ton
Ambricoal, coke, and broken, egg, stove, chestnut, and pea sizes of Pennsylvania anthracite.....	\$1.00	\$0.50	\$0.25
Buckwheat and rice sizes of Pennsylvania anthracite.....	.50	.25	.10

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition

to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G-31 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in Brunswick, Maine, area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Brunswick, Maine, area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in this Order G-31, the term:

(1) "Brunswick, Maine, area" shall include the following cities and towns in the State of Maine: Brunswick, Harpswell and Topsham.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-31 shall post all of the maximum prices established hereby which apply to the types of sales

made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-31 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-31 shall give to each purchaser an invoice or similar document showing (i) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (ii) separately stating any special services rendered and deposit charges made and the amount charged therefore. This paragraph (i) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE. The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-31 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-20576; Filed, December 28, 1943; 12:41 p. m.]

[Region I Order G-32 Under RMPR 122]

SOLID FUELS IN ROCKLAND, MAINE, AREA

Order No. G-32 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels in Rockland, Maine, area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Rockland, Maine, area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-32 is explained in paragraph (f), and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order No. G-32. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-32 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit noncompliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I; sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Rockland, Maine, area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.75	\$8.90	\$4.70	\$1.00
Pea.....	16.70	8.35	4.45	.95
Buckwheat.....	13.30	6.90	3.70	.80
Rice.....	12.35	6.45	3.60	.75
Yard screenings.....	4.00	---	---	---
Coke: Egg, stove, and chestnut.....	16.00	8.00	4.25	.95
Ambricoal.....	16.00	8.00	4.25	.95

(2) *Prices for specified localities and purchasers.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to buyers whose bins or stor-

age facilities are located in the following places in the Rockland, Maine, area: Camden, Rockland, Rockport, Thomaston, Union, Warren and in Cushing to and including the radio station.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to buyers whose bins or storage facilities are located in the following places in the Rockland, Maine, area:

	Per net ton	Per ½ ton	Per ¼ ton
Owls Head, South Thomaston, below the radio station in Cushing and to and including the Wiley's Corner P. O. District in St. George.....	\$1.00	\$0.50	\$0.25
Friendship, and Clark's Island and Long Cove in St. George.....	1.20	.75	.40
Tenant's Harbor in St. George.....	2.00	1.00	.60
Below Tenant's Harbor in St. George.....	2.20	1.25	.65

(c) The maximum price delivered to a boat shall be the "direct delivery" price for the city or town in which the dock or pier is located, plus 50 cents per ton, 25 cents per half-ton or 15 cents per quarter-ton. No further charges shall be made for carrying, wheeling or bagging, but if the dealer furnishes bags he may make a deposit charge of 10 cents per bag.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for any carry or wheel of quarter-ton and larger quantities from a "direct delivery" point to the buyer's bin or storage space, except for deliveries to boats:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheel which does not involve a carry up flights of stairs.....	\$0.40	\$0.25	\$0.16
For any carry up or down flights of stairs, per flight.....	.20	.25	.16

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 10 cents per bag.

(c) *Price Schedule II; "yard sales" to consumers and unequipped dealers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Rockland, Maine, area.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton	Per 100 lbs.
Pennsylvania anthracite: Broken, egg, stove, and chestnut.....	\$17.25	\$8.65	\$4.35	\$0.90
Pea.....	16.20	8.10	4.05	.85
Buckwheat.....	12.80	6.40	3.20	.70
Rice.....	11.85	5.95	3.00	.65
Yard screenings.....	3.60	---	---	---
Coke: Egg, stove, and chestnut.....	15.70	7.75	3.90	.85
Ambricoal.....	15.60	7.75	3.90	.85

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton-----	50
Per half-ton-----	25
Per quarter-ton-----	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 10 cents per bag.

(d) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices established by paragraphs (b) and (c) shall be reduced by \$1.00 per ton on sales of ambricoal, coke, and broken, egg, stove, chestnut and pea sizes of Pennsylvania anthracite, and by 50 cents per ton on sales of buckwheat and rice sizes of Pennsylvania anthracite, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a ton or on sales of any quantity of Pennsylvania anthracite yard screenings. If payment is not required or made at the time of delivery or (except in the cases of Pennsylvania anthracite yard screenings and less than ton lots) within ten days thereafter, terms shall be net thirty days.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Rockland, Maine, area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Rockland, Maine, area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in this Order G-32, the term:

(1) "Rockland, Maine, area" shall include the following cities and towns in the State of Maine: Camden, Cushing, Friendship, Owls Head, Rockland, Rockport, South Thomaston, St. George, Thomaston, Union and Warren.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-32 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-32 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-32 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (1) (2) shall

not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this Order shall keep a record thereof showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-32 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

K. B. BACKLIAN,
Regional Administrator.

[F. R. Dec. 43-23577; Filed, December 23, 1943; 12:41 p. m.]

[Region I Order G-33 Under RMPR 122]

SOLID FUELS, BIDDEFORD-SACO, MAINE,
AREA

Order No. G-33 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels in Biddeford-Saco area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maxi-

Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Biddeford-Saco area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth. Maximum prices are established for:

(1) Sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and

(2) Charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-33 is explained in paragraph (g), and the terms used herein are defined in paragraph (h). Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-33. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-33 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Maine, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule No. I; sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Biddeford-Saco area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut.....	\$16.75	\$8.80	\$4.70	\$1.00
Pea.....	15.70	8.35	4.45	.95
Buckwheat.....	13.55	7.30	3.90	.85
Rice.....	11.95	6.50	3.50	.80
Yard screenings.....	4.00			
Coke: Egg, stove, and chestnut.....	15.40	8.20	4.35	.95
Ambricoal.....	15.00	8.00	4.25	.95

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in the following places in the Biddeford-Saco area: Kennebunk, Kennebunkport, North Kennebunkport, Saco, Biddeford except for points beyond the Fletcher's Neck Life Saving Station, and Wells except for points beyond Eldredge Corner.

NOTE: The Village of Ogunquit in Wells is not included in the Biddeford-Saco area.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to consumers whose bins or storage facilities are located in the following places in the Biddeford-Saco area:

	Per net ton	Per ½ ton	Per ¼ ton
Buxton, Dayton, Lyman, and points in Wells beyond Eldredge Corner, including Wells Beach.....	\$0.50	\$0.25	\$0.15
Old Orchard Beach.....	1.00	.50	.25
Points beyond the Fletcher's Neck Life Saving Station in Biddeford.....	1.50	.75	.40

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to consumer's bin or storage space. If the consumer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the consumer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
(i) For any carry or wheel from a "direct delivery" point which does not involve a carry up or down a flight of stairs.....	\$0.50	\$0.25	\$0.15
(ii) For any carry or wheel which involves one or more flights of stairs:			
(a) Straight carry plus one flight up or down.....	.75	.40	.25
(b) Each additional flight.....	.60	.30	.15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Biddeford-Saco area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove, and chestnut.....	\$15.75	\$8.40	\$4.45	\$0.90
Pea.....	14.70	7.85	4.20	.85
Buckwheat.....	12.65	6.80	3.65	.75
Rice.....	10.95	6.00	3.25	.70
Yard screenings.....	3.50			
Coke: Egg, stove, and chestnut.....	14.40	7.70	4.10	.80
Ambricoal.....	14.00	7.50	4.00	.80

(2) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price Schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified solid fuels delivered at the yard of any dealer in the Biddeford-Saco area to dealers in fuels who resell them.

Kind and size	Per net ton	Per ½ ton	Per ¼ ton
Pennsylvania Anthracite:			
Broken, egg, stove and chestnut.....	\$14.75	\$7.60	\$4.20
Pea.....	13.70	7.35	3.95
Buckwheat.....	11.65	6.30	3.40
Rice.....	9.95	5.50	3.00
Yard screenings.....	3.40		
Coke: Egg, stove and chestnut.....	13.40	7.20	3.85
Ambricoal.....	13.00	7.00	3.75

(2) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may charge 50 cents per ton, or 25 cents per half-ton, or 15 cents per quarter-ton for bagging in 100 pound bags, exclusive of any charges for or deposit charges on bags furnished by the seller.

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return burlap bags furnished by the seller shall be 25 cents per bag.

(c) *Terms of sale.* If payment is made by the buyer within ten (10) days after receipt of the fuel, the maximum prices established by paragraphs (b), (c) and (d) shall (except in the case of Pennsylvania anthracite yard screenings) be reduced by \$1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the case of Pennsylvania anthracite yard screenings and less than quarter-ton lots) within ten (10) days thereafter, terms shall be net thirty (30) days.

(f) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(g) *Geographical applicability.* The maximum prices established by this Order G-33 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Biddeford-Saco area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Biddeford-Saco area, regard-

less of whether the dealer is located within said area.

(h) *Definitions.* When used in this Order G-33, the term:

(1) "Biddeford-Saco area" shall include the following cities and towns in the State of Maine: Biddeford, Buxton, Dayton, Kennebunk, Kennebunkport, Lyman, North Kennebunkport, Old Orchard Beach, Saco, and Wells except for the Village of Ogunquit.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite, ambricoal and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(8) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(9) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(i) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-33 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-33 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122,

No. 260—6

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-33 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(m) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-33 shall become effective December 27, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of December 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-20578; Filed, December 23, 1943;
12:41 p. m.]

[Arkansas Order 1 Under Restaurant MPR
5-10]

FOOD AND DRINK FOR IMMEDIATE CONSUMPTION IN PULASKI COUNTY, ARK.

Correction

In F. R. Doc. 43-19198, appearing on page 16302 of the issue for Friday, December 3, 1943, the following changes should be made in section 3 (a) (2): In the second line "on" should read "or". In the twelfth line "or" should read "for".

[Region II Order G-25 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN ST.
LAWRENCE COUNTY, N. Y.

Order No. G-25 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in St. Lawrence County, State of New York—Coal Area V.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does—(1) Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite," this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in Coal Area V which comprises all of St. Lawrence County in the State of New York.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area V are set forth in Schedule I hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area V whether or not you are located in Coal Area V.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(i) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedule herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Refer to Schedule I which contains a separate table of prices for "direct-delivery" sales and "yard sales" of anthracite. (You will find Schedule I in paragraph (d).)

(2) Take the dollars-and-cents figures set forth in the applicable table of the schedule, for the sizes and quantity you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified therein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a cash discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculations to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area V. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) *Sales on a "direct-delivery" basis.*

[For sales of anthracite of the sizes and in the quantities specified]

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, and nut.....	\$15.40	\$8.20	\$0.90
Pea.....	13.60	7.30	.80
Buckwheat.....	11.95	6.60	.75
Rice.....	10.70	5.85	.70
Barley.....	9.70	5.35	
Screenings.....	4.30	2.15	

Required discounts. You shall deduct from the prices set forth in table (1) of this schedule, on sales and deliveries of

all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

Maximum Authorized Service Charges

Special service rendered at the request of the purchaser:

Delivery:

Within limits of city or village in which selling yard is located..... No charge.

Within area two miles beyond above limits. ("free delivery zone"). No charge.

Beyond "free delivery zone"..... 25¢ per truck-load mile. (25¢ per truck load, calculating mileage one way only.)

"Carry" or "wheel" (except for sales amounting to less than ½ ton).... 75¢ per net ton.

Carrying upstairs for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel". 75¢ per net ton.

Bagging (putting coal in bags furnished by the purchaser, or bags to be returned to dealer, for the purpose of facilitating delivery). 50¢ per net ton.

(2) "Yard sales".

[For sales of anthracite of the sizes and in the quantities specified to dealers and to consumers]

Size	Sales to dealers		Sales to consumers			
	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton, subject to bagging charge below if bagged at request of purchaser	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton, subject to bagging charge below if bagged at request of purchaser	Per 100 lb. bag, bag furnished by dealer and retained by purchaser	Per 50 lb. bag, bag furnished by dealer and retained by purchaser
Broken, egg, stove, nut.....	\$13.40	\$0.70	\$14.60	\$0.80	\$0.90	\$0.60
Pea.....	11.60	.60	12.80	.70	.80	.45
Buckwheat.....	9.95	.55	11.15	.65	.70	.40
Rice.....	8.70	.50	9.90	.60		
Barley.....	7.70		8.90			
Screenings.....	2.30		3.50			

Required discounts. You shall deduct from the prices set forth in table (2) of this Schedule, on sales and deliveries of all sizes except screenings, in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing herein requires you to sell on other than a cash basis.

Maximum Authorized Service Charges

Special service rendered at the request of the purchaser:

Bagging (putting coal in bags furnished by the purchaser, or bags to be returned to dealer, for the purpose of facilitating delivery). 50¢ per net ton.

This charge does not apply to bagged coal prices in table (2).

(e) *Commingleing.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale or "yard sale", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price, or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined,

for the quantity of each size in the combination.

(f) *Ex Parte 148, freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(g) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment

to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(h) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, you need not state this tax separately.

(i) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(k) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(l) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(m) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sales of anthracite hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charge, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(n) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable table and schedule of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(o) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Syracuse District Office of the Office of Price Administration or with the Price Panel of the appropriate War Price and Rationing Board.

(p) *Definitions and explanations.* When used in this Order No. G-25 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedule herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of the same fuel as were sold and delivered in the County of St. Lawrence in the State of New York, with such designation during December 1941.

(6) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle, or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage

space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from the seller's truck in the course of "direct delivery".

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) Except as otherwise provided herein, or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This order shall become effective December 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of December 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Dec. 43-20564; Filed, December 23, 1943; 12:37 p. m.]

[Region III Order G-13 Under MPR 329]

FLUID MILK IN MANISTEE COUNTY, MICH.

Order No. G-13 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, it is hereby ordered:

(a) Any milk distributor in the County of Manistee in the State of Michigan, may pay producers an amount not in excess of \$2.31 per cwt. for "milk" of 3.5% butterfat content, plus or minus 5¢ for each $\frac{1}{10}$ of 1% butterfat variation over or under 3.5%.

(b) Each milk distributor increasing his price to producer for "milk" pursuant to the provisions of this order shall, within five days of such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter or postcard, of his price established pursuant to the provisions of this order, together with a statement of his previous price.

(d) *Definitions.* (1) Milk distributor is defined to mean any individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing who purchases "milk" in a raw and unprocessed state for the purpose of resale as fluid milk in glass, paper or other containers.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operations of a farm on which "milk" is produced. For the purposes of this order, farmers' cooperatives are producers when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members of such cooperative or not.

(3) "Milk" means liquid cow's milk in a raw, unprocessed state, which is purchased for resale for human consumption as fluid milk. "In a raw unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(d) This order may be modified, amended or revoked at any time.

This order shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 4, 1943.

BIRKETT L. WILLIAMS,
Regional Director.

[F. R. Doc. 43-20565; Filed, December 28, 1943;
2:40 p. m.]

[Region III Order G-18 Under 18 (c),
Amdt. 6]

FLUID MILK IN KENTUCKY

Amendment No. 6 to Order No. G-18 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of the Maximum Prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, *It is hereby ordered*, That the County of Calloway be deleted from the list of counties appearing in paragraph B of section I; that subparagraph 1 of paragraph D of section I be amended to read as set forth below; and that a new subparagraph 4 be added to paragraph D of section I to read as set forth below:

D * * *

1. The maximum prices of any person selling or delivering approved fluid milk at retail or wholesale in the Counties of Bell, Boone, Bracken, Calloway, Campbell, Carter, Christian, Daviess, Elliott, Fleming, Gallatin, Grant, Hardin, Hen-

derson, Kenton, Lawrence, Lewis, Logan, McCracken, Mason, Pendleton, Robertson, Rowan, Simpson and Warren in the State of Kentucky shall be (1) the maximum prices established for him under § 1499.2 of the General Maximum Price

Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail.....	Glass or other.....	One gallon or multiples thereof.....	52 cents per gallon.
Retail.....	Glass or paper.....	One-half gallon.....	27 cents per one-half gallon.
Retail.....	Glass or paper.....	One quart.....	14 cents per quart.
Retail.....	Glass or paper.....	One pint.....	7½ cents per pint.
Retail.....	Glass or paper.....	One-half pint.....	5 cents per one-half pint.
Wholesale.....	Glass or other.....	One gallon or multiples thereof.....	44 cents per gallon.
Wholesale.....	Glass or paper.....	One-half gallon.....	23 cents per one-half gallon.
Wholesale.....	Glass or paper.....	One quart.....	12 cents per quart.
Wholesale.....	Glass or paper.....	One pint.....	6 cents per pint.
Wholesale.....	Glass or paper.....	One-half pint.....	3½ cents per one-half pint.

The maximum prices of any person selling or delivering approved fluid milk at retail or wholesale in the County of Graves in the State of Kentucky shall be (1) the maximum prices established for him under § 1499.2 of the General Maxi-

um Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail.....	Glass or other.....	One gallon or multiples thereof.....	50 cents per gallon.
Retail.....	Glass or paper.....	One-half gallon.....	26 cents per one-half gallon.
Retail.....	Glass or paper.....	One quart.....	13½ cents per quart.
Retail.....	Glass or paper.....	One pint.....	7½ cents per pint.
Retail.....	Glass or paper.....	One-half pint.....	5 cents per one-half pint.
Wholesale.....	Glass or other.....	One gallon or multiples thereof.....	42 cents per gallon.
Wholesale.....	Glass or paper.....	One-half gallon.....	22 cents per one-half gallon.
Wholesale.....	Glass or paper.....	One quart.....	11½ cents per quart.
Wholesale.....	Glass or paper.....	One pint.....	6 cents per pint.
Wholesale.....	Glass or paper.....	One-half pint.....	3½ cents per one-half pint.

This Amendment No. 6 to Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective December 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 4, 1943.

BIRKETT L. WILLIAMS,
Regional Director.

[F. R. Doc. 43-20566; Filed, December 28, 1943;
12:40 p. m.]

[Region IV Order G-12 Under RMPR 122]

SOLID FUELS IN AUGUSTA, GA., AREA

Order No. G-12 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Augusta and certain adjacent territory in the State of Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of the City of Augusta, Georgia, and the area lying within twenty miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of high volatile bituminous coal from District 8.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-12 but less than maximum prices may at any time be charged, paid or offered.

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule, consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Augusta, Georgia, and the area lying within twenty miles thereof by the most direct highway route.

(i) "Direct delivery or domestic" basis.

High volatile bituminous coal from District No. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump, chunk, or block.	\$10.05	\$5.28	\$2.70
Egg.....	10.05	5.28	2.70
Stoker.....	10.00	5.25	2.87
Slack.....	9.95	5.23	2.12

(ii) *Special sales and services*—(a) Carry from curb. Only if the buyer re-

quests such service, the dealer may charge for such service a sum no greater than 50¢ per ton.

(b) *Sack coal.* For coal in sacks the dealer may charge not more than 51¢ for 75 pounds at the yard, and 61¢ for 75 pounds if the dealer makes delivery.

(c) *Yard sales.* When the buyer picks up coal at the dealer's yard, the dealer must reduce the domestic price 50¢ per ton.

(d) *Quantity.* On sales of from 20 to 30 tons to a single purchaser in a single order, the dealer must reduce his domestic price 25¢ per ton. On sales of more than 30 tons to a single purchaser in a single order, the dealer must reduce his domestic price 50¢ per ton.

(e) *Terms.* All of the maximum prices contained in this price schedule are net for cash. However, a dealer may make an additional charge for the extension of credit of not more than 50¢ per ton.

(f) *Delivery zone.* For deliveries beyond the corporate limits of Augusta, Georgia, and within twenty miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) *Ex Parte 148 freight rate increase; transportation tax.*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (i) (2). (This tax need not be stated separately in sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural

Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(1) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged, and separately stating any item which is required to be separately stated by this order. This paragraph (i) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Savannah District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this Order No. G-12, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry from curb" refers to the movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery."

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" refers to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943. Where the applicable minimum price schedule does not make specific mention of any size designated in this order, such size designation shall refer to the sizes of bituminous coal sold as such during December, 1941, in the area covered by this order.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in

§§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(1) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-12 shall become effective December 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 21, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-20567; Filed, December 28, 1943;
12:42 p. m.]

[Region VI Order G-7 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN WILLMAR, MINN.

Amendment No. 2 to Order No. G-7 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels sold in Willmar, Minnesota.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith; *It is ordered*, That the price schedule set forth in paragraph (c) (1) of Order No. G-7 be and it is hereby amended to read as follows:

Description	Direct deliv- ery yard	Price at yard
I. Low Volatile bituminous from Dist. #7 (W. Va.)		
1. Egg 8" x 2" and smaller.....	\$14.20	\$13.45
2. Dyob 3" x 1/2" and larger.....	14.20	13.45
II. H1 Volatile bituminous from Dist. #8 (W. Va. and E. Ky.)		
1. Lump 6" and larger.....	13.30	12.55
2. Lump 4" and larger.....	12.30	11.55
3. Egg 6" x 2" and larger.....	13.30	12.55
4. Stove 2" x 1 1/2" and larger.....	13.30	12.55
5. Stoker 5/8" x 1 1/2" and larger.....	12.30	11.55
6. Screenings 1/4".....	11.55	10.89
III. H1 Volatile bituminous from Dist. 10 (So. Sub Dist.)		
1. Egg, 3" x 2" and larger.....	11.00	10.25
IV-a. Pa. anthracite prior to June 1, 1944		
1. Egg, stove, nut.....	18.20	17.45
IV-b. Pa. anthracite on and after June 1, 1944		
1. Egg, stove, nut.....	17.85	17.10
V. Byproduct coke		
1. Egg, stove, nut.....	14.50	13.80
VI. Briquettes made from low volatile bituminous & bituminous anthracite mixed		
1. Briquettes—all types.....	13.60	12.85

To the above prices may be added the exact cost of calcium chloride treatment or other dust treatment when a charge for such service has been made to the dealer by its supplier.

This Amendment No. 2 to Order No. G-7 shall become effective December 13, 1943.

(56 Stat. 73, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of December 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-20568; Filed, December 28, 1943;
12:39 p. m.]

[Region VI Order G-13 under SR 15, MPR 280 and MPR 329]

FLUID MILK IN PARIS, ILL.

Correction

In F.R. Doc. 43-19498, appearing on page 16572 of the issue for Wednesday, December 8, 1943, the following changes should be made: In paragraph (b) the reference to (c) should be to (a). In paragraph (d) the reference to (e) should be to (c).

[Region VII Order G-2 Under RMPR 269,
Amdt. 1]

DRESSED TURKEYS PURCHASED IN IDAHO OR UTAH FOR CONSUMPTION IN MONTANA

Order No. G-2 under Revised Maximum Price Regulation No. 269, Amendment No. 1. Emergency price adjustment on dressed turkeys purchased in Idaho or Utah for shipment to and consumption in Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1429.14 (a) of Revised Maximum Price Regulation No. 269, as Amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (b), "Term of order", of Order No. G-2 Under Revised Maximum Price Regulation No. 269 is amended to read as follows:

(b) *Term of order.* This Order No. G-2 shall be effective during the period of time beginning with November 22, 1943, and ending with January 1, 1944, both inclusive, whereupon, at the hour of 11:59 p. m. on said 1st day of January, 1944, it shall ipso facto and without any affirmative action whatsoever on the part of the Regional Administrator cease and determine and be of no further force and effect, except that its then termination shall be subject to the terms and provisions of Supplementary Order No. 40.

2. *Effective date.* This Amendment No. 1 shall become effective on December 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of December 1943.

R. BATTERTON,
Acting Regional Administrator.

[F. R. Doc. 43-20569; Filed, December 28, 1943;
12:39 p. m.]

[Region VIII Rev. Order G-8 Under MPR 280,
Amdt. 1]

MILK IN CALIFORNIA

Amendment No. 1 to Revised Order No. G-8 under Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products. Sales of milk by handlers located in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, as amended; *It is hereby ordered*, That paragraph (a) (2) be amended by adding subparagraph (iii) to read as set forth below:

(iii) Where the "handler" supplies the milk cans in which the milk is delivered to the purchaser, the maximum price shall be the applicable price specified in paragraph (a) (1) and (a) (2) above, plus one-half cent per pound, milk fat.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-20570; Filed, December 28, 1943;
12:43 p. m.]

[Region VIII Order G-1 Under RMPR 269,
Amdt. 3]

POULTRY, SAN FRANCISCO, CALIF., REGION

Amendment 3 to Order No. G-1 under Revised Maximum Price Regulation No. 269, as amended. Poultry.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.14 (a) of Revised Maximum Price Regulation No. 269, as amended; *It is hereby ordered*, That paragraph (b) be added to read as set forth below:

(b) The city of Spokane shall be termed a "basing point city" within the meaning of that term as used in § 1429.19 of Revised Maximum Price Regulation No. 269, as amended, for the purpose of determining the maximum prices for poultry items in the following described area only: All of that portion of the state of Idaho lying north of the southern boundary of Idaho County, and the following counties in the state of Washington: Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman, Adams, Grant, Douglas, Lincoln, Spokane, Pend Oreille, Stevens, Ferry and Okanagen.

This amendment may be revoked, corrected or amended at any time.

This amendment shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-20571; Filed, December 28, 1943;
12:43 p. m.]

[Region VIII Order G-2 Under 18 (c), Corr.
to Amdt. 19]

FLUID MILK IN DESIGNATED CALIFORNIA AREAS

Correction to Amendment No. 19 to Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Fluid milk prices at wholesale and retail in certain localities in the State of California.

The second footnote in Amendment No. 19 to Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation is hereby corrected to read as follows:

The maximum price of milk sold to the armed forces in the United States in bulk shall be \$.48 per gallon, subject to no discount.

This correction shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-20583; Filed, December 28, 1943;
12:45 p. m.]

[Region VIII Order G-4 Under SR 15,
Amdt. 3]

FIREWOOD—DESIGNATED CALIFORNIA COUNTIES

Amendment No. 3 to Order G-4 under § 1499.75 (a) (1) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Firewood.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-4 under § 1499.75 (a) (1) of Supplementary Regulation No. 15 (formerly Northern California Price Order #4, issued by the State Director of the Northern California State Office), is hereby amended as follows:

Appendix "E" is amended to read as follows:

APPENDIX E—MAXIMUM PRICES FOR FIREWOOD

COUNTIES OF STANISLAUS, MERCED, MADERA, FRESNO,
KINGS AND TULARE

I—Mill Waste—Retail Delivered Prices (Mill Ends and
Slab Wood)

Dry or medium—16 inches and under:	Per cord
Pine	\$8.75
Redwood	4.50

Half cord price: Divide cord price by 2 and add 20 cents.
Quarter cord price: Divide cord price by 4 and add 40 cents.

II—Retail Delivered Price, Cord Wood

Dry or medium dry—	Per cord					Accorded length, 2 feet and under
	4 feet	2 feet	10 inches	12 inches	9 1/2-10 inches	
Pine (fir).....	\$17	\$19	\$19.50	\$20	\$20	.....
Cedar.....	17	19	19.50	20	20	.....
Oak (any kind).....	21	23	23.50	24	24	.....
Madrone.....	21	23	23.50	24	24	.....
Eucalyptus (gum).....	19	21	21.50	22	22	.....
Orchard (any kind).....	15	17	17.50	18	18	.....
Willow.....	14	16	16.50	17	17	.....
Manzanita.....	19	.....	.....	.....	.....	\$21

Fractional Cord Maximum Prices Delivered

Half cord price: Divide cord price by 2 and add 25 cents.
Third cord price: Divide cord price by 3 and add 35 cents.
Quarter cord price: Divide cord price by 4 and add 45 cents.
Fifth cord price: Divide cord price by 5 and add 55 cents.
For splitting to stovewood size add \$.09 per cord to above cord prices if all wood is split.
If stovewood is a combination of split and unsplit cordwood of stovewood size add \$.29 per cord to above cord prices.
"Storage charge", as defined in the order, a \$.09 per cord (fractional cord in proportion) charge may be added to above cord prices.

III—Each Stovewood—Retail Prices Per Sack

Dry or medium dry—	Per sack	
	Cash and carry	Delivered
Oak (any kind).....	\$9.55	\$9.65
Madrone.....	.55	.65
Eucalyptus (gum).....	.55	.65
Pine (fir), willow.....	.69	.69
Manzanita, Cedar.....	.69	.69
Orchard (any kind).....	.69	.69
Mill waste (mill ends and slab wood).....	.35	.45

Sack size: 22 inches by 30 inches (minimum).
Deposit of 10 cents may be required on the sack.

IV—Cord Wood Sales—Other Than at Retail—Delivered Prices

Dry or medium dry—	Per cord					Accorded length, 2 feet and under
	4 feet	2 feet	10 inches	12 inches	9 1/2-10 inches	
Pine (fir, Cedar).....	\$11	\$13	\$13.50	\$14	\$14	.....
Oak (any kind).....	15	19	19.50	20	20	.....
Madrone.....	15	19	19.50	20	20	.....
Eucalyptus.....	13	17	17.50	18	18	.....
Orchard (any kind).....	9	11	11.50	12	12	.....
Willow.....	8	9	9.50	10	10	.....
Manzanita.....	13	.....	.....	.....	.....	\$15

Fractional Cord Maximum Prices

Half cord price: Divide cord price by 2 and add 25 cents.
Third cord price: Divide cord price by 3 and add 35 cents.
Quarter cord price: Divide cord price by 4 and add 45 cents.
Fifth cord price: Divide cord price by 5 and add 55 cents.
For splitting to stovewood size add \$.09 per cord to above cord prices if all wood is split.
If stovewood is a combination of split and unsplit cordwood of stovewood size add \$.29 per cord to above cord prices.

This amendment shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-20582; Filed, December 28, 1943;
12:44 p. m.]

[Region VIII Order G-79 Under 18 (c)]

FIREWOOD IN DESIGNATED CALIFORNIA AREAS

Order No. G-79 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for firewood in certain areas in California.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, it is hereby ordered as follows:

(a) *Adjusted maximum prices for firewood.* This order adjusts the maximum prices for firewood in certain areas in California as established by the General Maximum Price Regulation, and fixes adjusted maximum prices in areas covered by this order. Where the term "maximum prices" is used herein, it shall mean such adjusted maximum prices, unless the text of a particular provision indicates otherwise.

The maximum prices for firewood sold in any area covered by this order are governed by the Appendix which covers the area in which the sale is made. The maximum price for each item of firewood when sold within an area for which prices are set by an Appendix to this order, shall be the following:

(1) *Sales at retail.* The maximum prices for sales at retail set forth in the appropriate Appendix hereto shall govern sales in the area in which the sale is made.

(i) Except as otherwise indicated in the appropriate Appendix, prices are delivered prices.

(a) In the event the seller at retail does not deliver, but sells f. o. b. his yard, the retailer shall deduct from said maximum price, an amount equal to the differential between the delivered price and the f. o. b. price which said retailer had established in March, 1942, for f. o. b. sales as compared with delivered sales.

(b) In the event any retailer had no such established differential in March, 1942, the amount of deduction shall be an amount equal to the cost to the customer of having the firewood delivered by the most usual and reasonable method.

(c) In no event, however, shall a seller at retail refuse to sell to a purchaser on a delivered basis, if the customer desires to purchase the firewood on a delivered basis.

(d) Any dealer may charge an additional amount indicated in the appropriate Appendix which governs sales at retail in the area in which the sale is made as a "storage charge" for rendering the service of piling the firewood in a particular place on the consumer's premises, if the consumer requests such service.

(2) *Sales other than at retail—(i) Cord wood—(a) Sales at roadside.* The maximum price for sales of cord wood by cutters at roadside is the price set forth in the appropriate appendix for such sales in the area in which the sale is made.

(b) *Cutter's sales other than at roadside.* If the cutter sells firewood other than at roadside, the maximum price on such sales shall be the maximum price at roadside, determined in accordance with the provisions of paragraph (a) above, plus the customary differential which existed for such sales in March 1942. If the cutter was not in business in March 1942, he shall use the differential used in March 1942 by the most closely competitive cutter.

(c) *Sales by other than cutters.* The maximum price for sales by all intermediate sellers, other than cutters, shall be the cutter's maximum price, as determined in paragraph (a) or (b) above, or the intermediate seller's actual purchase price, whichever is lower, plus the customary differential for such sale in effect in March 1942. If the intermediate seller was not in business in March 1942, he shall use the differential used in March 1942 by the most closely competitive intermediate seller.

(ii) *Special Services.* If the purchaser requests the seller to pile the wood in the purchaser's yard, such seller may make a charge for such service. Such charge shall not exceed the charge which the seller would have made for such service in March 1942.

(b) *Mixed sales.* In the event that a seller sells any lot of wood which contains two or more classes of firewood which, under the terms of this order have different maximum prices, the maximum price of the entire lot of wood shall be determined by ascertaining the quantity of each class of wood in the lot, and charging the proper maximum price applicable to the amount of each class of wood in the lot. In such case, the seller may not add to the price of each individual item of wood the additional amount allowed where fractional cords of wood are ordered by and sold to consumers. Further, the seller must, in his invoice, itemize the type, quantity, and price of each class in the shipment.

(c) *Adjustment of maximum prices for different classes of customers.* If the seller had an established practice in March of 1942, of giving allowances, discounts, or other price differentials, to different classes of purchasers, he is required to continue this practice, and his maximum prices calculated for any type of firewood must be reduced to reflect such allowances, discounts and price differentials. No seller shall change his customary allowances, discounts or other differentials unless such change results in a lower price.

(d) *Applicability of maximum prices.* The prices established by this order apply only to sellers selling firewood at retail and to sellers selling other than at retail. However, this order does not apply to mills selling mill waste.

The provisions fixing said prices are expressly subject to the provisions of section 3.2 (a) of Revised Supplementary Regulation No. 1, as amended, to the General Maximum Price Regulation.

(e) *Less than maximum prices.* Lower prices than those set forth in this order

may be charged, demanded, paid, or offered.

(f) *Areas covered by this order.* The areas covered by this order are those areas indicated in the various Appendices to this order.

(g) *Applicability of the General Maximum Price Regulation and price orders—*
(1) *Price orders.* (i) Price orders No. 2 and 3 issued by the Northern California State Office pursuant to the provisions of Supplementary Regulation 15 to the General Maximum Price Regulation are hereby revoked.

(ii) Maximum prices in the areas covered by Price Orders No. 1 and 4 issued by the Northern California State Office remain subject to such orders, except as superseded by appendices to this order which may be issued, setting prices in areas covered by such orders. Insofar as Price Orders No. 1 and 4 cover areas not covered by this order, such orders will remain in full force and effect in such areas unless and until they are revoked.

(2) *General Maximum Price Regulation.* Where an appendix to this order sets maximum prices for firewood in a particular area, the maximum prices in such area for all kinds, sizes and lengths of firewood other than those specifically named in the appendix which covers that area shall be governed by the General Maximum Price Regulation.

(h) *Evasion.* (1) The price limitations set forth in this order shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the areas covered by said order alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(2) Without limiting the generality of the foregoing, the price limitations set forth herein shall not be evaded by improper classification of any item of firewood, splitting of orders into small quantities in order to increase prices (except as specifically allowed in this order), discontinuing or increasing the cost of delivery, or by decreasing or discontinuing cash discounts.

(3) The maximum prices herein set forth shall not be evaded by any practice or practices of any seller in connection with the cutting or splitting of firewood to a particular size demanded by the customer. If larger pieces of firewood are cut to a special size demanded by the customer, the quantity of wood for which the customer is to be charged is to be measured after said cutting and not before. In such case, the customer should be charged only on the basis of the measured cord or fraction thereof after the cutting has been completed, and the customer should be billed only for the measured cord or fraction thereof, after the said cutting, actually delivered to the customer.

(i) *Records and reports.* Every seller of firewood subject to this order and every buyer in the course of trade or business shall preserve for examination by representatives of the Office of Price Administration copies of invoices covering each sale of firewood.

(j) *Definitions.* (1) "Firewood" means any wood prepared and maintained for consumption of fuel.

(2) "Mill blocks" means the trimming of finished lumber from lumber, box, planing and similar mills.

(3) "Slab wood" means the wood, including the bark, cut from the side of a log at a lumber mill.

(4) "Cord" means any pile of firewood containing 128 cubic feet of firewood.

(5) "Delivered" means delivered to the curb of the customer.

(6) "At roadside" means along side a road near the point of cutting, which is reasonably convenient to the buyer.

(7) "Storage charge" means an extra charge made for the piling of cord wood on the premises of the consumer. Such storage charge is to be added to the price of the firewood only when such additional service is requested by the purchaser.

(8) "Sales other than at retail" means all sales except sales to ultimate consumers: *Provided, however,* That this does not refer to sales covered by section 3.2 (a) of Revised Supplementary Regulation No. 1, as amended, to the General Maximum Price Regulation, nor to sales by mills of mill waste.

(k) *Revocation.* This order may be revoked or amended at any time.

(l) *Effective date.* This order shall become effective December 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943.

L. F. GENTNER,
Regional Administrator.

APPENDIX A—MAXIMUM PRICES FOR FIREWOOD
SAN MATEO COUNTY
I—Retail Delivered Prices, Cord Wood

Dry or medium dry—	Per cord—128 cubic feet				
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches Assorted lengths, 2 feet and under
Pine (fir).....	\$16	\$20	\$21	\$22	\$22
Oak (any kind).....	18	22	23	24	24
Madrone.....	18	22	23	24	24
Eucalyptus (gum).....	18	20	21	22	22
Orchard (any kind).....	13	18	19	20	20

Fractional Cord Maximum Prices—Delivered

Half cord price: Divide cord price by 2 and add 23 cents.

Third cord price: Divide cord price by 3 and add 33 cents.

Quarter cord price: Divide cord price by 4 and add 46 cents.

Fifth cord price: Divide cord price by 5 and add 65 cents.

Charges may be made in addition to the above cord prices as follows:

1. For sale of wood split to stovewood size, \$3.00 per cord (fractional cord in proportion).
2. "Storage charge" as defined in the order, \$2.00 per cord (fractional cord in proportion).

II—Mill Blocks—Retail Delivered Prices

Dry or Medium Dry: 16 inches and under, per load of 128 cubic feet, loose measure, \$12.00.
Half load price: Divide load price by 2 and add 20 cents.
Quarter load price: Divide load price by 4 and add 40 cents.

III—Sack Stoverood: Retail Prices Per Sack

Dry or medium dry—	Cash and carry	Delivered
Pine (fir).....	\$0.60	\$0.70
Oak (any kind).....	.63	.75
Madrone.....	.63	.75
Eucalyptus (gum).....	.60	.70
Orchard (any kind).....	.50	.60
Mill blocks.....	.35	.45

Sack Size: 22 inches by 36 inches (minimum). Deposit of 15¢ may be required on the sack.

IV—Cord Wood Sales—Other Than at Retail: Cutter's Sales at Roadside

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$11	\$14	\$15	\$16	\$16	-----
Oak (any kind).....	13	16	17	18	18	-----
Madrone.....	13	16	17	18	18	-----
Eucalyptus (gum).....	11	14	15	16	16	-----
Orchard (any kind).....	8	11	12	13	13	\$12

For sale of wood split to stoverood size, \$3.00 per cord may be added to above cord prices.

The above cord prices are for sales at roadside near wood cutter's lot. For sales other than at retail made by cutter from any other place or delivered, and for sales by intermediate sellers, see text of the order, section (a) (2).

APPENDIX B—MAXIMUM PRICES FOR FIREWOOD

THAT PORTION OF SANTA CLARA COUNTY NORTH OF A LINE PROJECTED EAST AND WEST ALONG THE NORTHERLY BOUNDARY OF FEDERAL TOWNSHIP 8 SOUTH, RANGE 1 WEST, MT. DIABLO MERIDIAN

I—Retail Delivered Prices: Cord Wood

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$20	\$24	\$25	\$23	\$23	-----
Oak (any kind).....	22	26	27	28	28	-----
Madrone.....	22	26	27	28	28	-----
Eucalyptus (gum).....	20	24	25	23	23	-----
Orchard (any kind).....	13	18	19	20	20	\$19

Fractional Cord Maximum Prices—Delivered

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

Charges may be made in addition to the above cord prices as follows:

1. For sale of wood split to stoverood size, \$3.00 per cord (fractional cord in proportion).

2. "Storage charge" as defined in the order, \$2.00 per cord (fractional cord in proportion).

II—Mill Blocks: Retail Delivered Prices

Dry or medium dry, 16 inches and under:
Per load of 128 cubic feet, loose measure..... \$12.00
Per load of 64 cubic feet, loose measure..... 6.00
Per load of 48 cubic feet, loose measure..... 4.00
Per load of 42 3/4 cubic feet, loose measure..... 3.50
Per load of 32 cubic feet, loose measure..... 3.00

Two loads of either 48 cubic feet or of 42 3/4 cubic feet: Multiply appropriate single load price by 2, and deduct 50 cents.

III—Sack Stoverood: Retail Prices Per Sack

Dry or medium dry—	Cash and carry	Delivered
Pine (fir).....	\$0.70	\$0.80
Oak (any kind).....	.75	.85
Madrone.....	.75	.85
Eucalyptus (gum).....	.70	.80
Orchard (any kind).....	.60	.70
Mill blocks.....	.35	.45

Sack size: 22 inches by 36 inches (minimum). Deposit of 15 cents may be required on the sack.

IV—Cord Wood—Sales Other Than at Retail: Cutter's Sales at Roadside

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$12	\$15	\$16	\$17	\$17	-----
Oak (any kind).....	14	17	18	19	19	-----
Madrone.....	14	17	18	19	19	-----
Eucalyptus (gum).....	12	15	16	17	17	-----
Orchard (any kind).....	8	11	12	13	13	\$12

For sale of wood split to stoverood size, \$3.00 per cord may be added to above cord prices.

The above cord prices are for sales at roadside near woodcutter's lot.

For sales other than at retail made by cutter from any other place or delivered, and for sales by intermediate sellers, see text of the order, section (a) (2).

APPENDIX C—MAXIMUM PRICES FOR FIREWOOD

THAT PORTION OF SANTA CLARA COUNTY SOUTH OF A LINE PROJECTED EAST AND WEST ALONG THE NORTHERLY BOUNDARY OF FEDERAL TOWNSHIP 8 SOUTH, RANGE 1 WEST, MT. DIABLO MERIDIAN, SAN BENITO COUNTY, MONTEREY COUNTY, THAT PORTION OF SANTA CRUZ COUNTY EAST OF THE MT. DIABLO MERIDIAN

I—Retail Delivered Prices: Cord Wood

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$17	\$21	\$22	\$23	\$23	-----
Oak (any kind).....	19	23	24	25	25	-----
Madrone.....	19	23	24	25	25	-----
Eucalyptus (gum).....	17	21	22	23	23	-----
Orchard (any kind).....	13	15	16	17	17	\$19

Fractional Cord Maximum Prices, Delivered

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

Charges may be made in addition to the above cord prices as follows:

1. For sale of wood split to stoverood size, \$3.00 per cord (fractional cord in proportion).

2. "Storage charge" as defined in the order, \$2.00 per cord (fractional cord in proportion).

II—Sack Stoverood Retail Prices Per Sack

Dry or medium dry—	Cash and carry	Delivered
Pine (fir).....	\$0.60	\$0.70
Oak (any kind).....	.63	.75
Madrone.....	.63	.75
Eucalyptus (gum).....	.60	.70
Orchard (any kind).....	.50	.60

Sack size: 22 inches by 36 inches (minimum). Deposit of 15 cents may be required on the sack.

III—Cord Wood—Sales Other Than at Retail: Cutter's Sales at Roadside

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$12	\$15	\$16	\$17	\$17	-----
Oak (any kind).....	14	17	18	19	19	-----
Madrone.....	14	17	18	19	19	-----
Eucalyptus (gum).....	12	15	16	17	17	-----
Orchard (any kind).....	8	11	12	13	13	\$12

For sale of wood split to stoverood size, \$3.00 per cord may be added to above cord prices.

The above cord prices are for sales at roadside near woodcutter's lot.

For sales other than at retail made by cutter from any other place, or delivered, and for sales by intermediate sellers, see text of the order, section (a) (2).

APPENDIX D—MAXIMUM PRICES FOR FIREWOOD
THAT PORTION OF SANTA CRUZ COUNTY WEST OF THE MT. DIABLO MERIDIAN

I—Retail Delivered Prices: Cord Wood

Dry or medium dry—	Per cord—128 cubic feet					
	4 feet	2 feet	16 inches	12 inches	9 1/2-10 inches	Assorted lengths 2 feet and under
Pine (fir).....	\$19	\$23	\$24	\$25	\$25	-----
Oak (any kind).....	21	25	26	27	27	-----
Madrone.....	21	25	26	27	27	-----
Eucalyptus (gum).....	19	23	24	25	25	-----
Orchard (any kind).....	13	18	19	20	20	\$19

Fractional Cord Maximum Prices—Delivered

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

Charges may be made in addition to the above cord prices as follows:

1. For sale of wood split to stoverood size, \$3.00 per cord (fractional cord in proportion).

2. "Storage charge" as defined in the order, \$2.00 per cord (fractional cord in proportion).

II—Mill Blocks and Sack Wood: Retail Delivered Prices
[Per load of 128 cubic feet]

Dry or medium dry—16 inches and under	
Mill blocks (loose measure):	
Pine.....	\$11.50
Redwood.....	9.50
Mixed.....	10.50

Slab wood:	Cut at and delivered from retail yard (tied in tight)		Cut at and delivered from mill property (loose measure)	
Pine.....	\$15.00		\$2.50	
Redwood.....	13.00		7.50	
Mixed.....	14.00		8.50	

Half load price: Divide load price by 2 and add 50 cents.

Quarter load price: Divide load price by 4 and add 40 cents.

III—Sack Stove-wood: Retail Prices Per Sack

Dry or medium dry—	Cash and carry	Delivered
Pine (fir).....	\$0.65	\$0.75
Oak (any kind).....	.70	.80
Madrone.....	.70	.80
Eucalyptus.....	.65	.75
Orchard (any kind).....	.50	.60
Mill blocks		
Pine.....	.25	.35
Redwood.....	.20	.30
Redwood and pine mixed.....	.20	.30
Slabwood (cut and delivered from retail yard)		
Pine.....	.35	.45
Redwood.....	.30	.40
Redwood and pine mixed (cut and delivered from mill property).....	.30	.40
Pine.....	.20	.30
Redwood.....	.15	.25
Redwood and pine mixed.....	.15	.25

Sack size: 22 inches by 36 inches (minimum). Deposit of 15¢ may be required on the sack.

IV—Cord Wood—Sales Other Than at Retail: Cutter's Sales at Roadside

Dry or medium dry—	Per cord—128 cubic feet					Assorted lengths, 2 feet and under
	4 feet	2 feet	10 inches	12 inches	9½-10 inches	
Pine (fir).....	\$12	\$15	\$16	\$17	\$17	
Oak (any kind).....	14	17	18	19	19	
Madrone.....	14	17	18	19	19	
Eucalyptus (gum).....	12	15	16	17	17	
Orchard (any kind).....	8	11	12	13	13	\$12

For sale of wood split to stove-wood size, \$3 per cord may be added to above cord prices.

The above cord prices are for sales at roadside near woodcutter's lot.

For sales other than at retail made by cutters from any other place or delivered, and for sales by intermediate sellers, see text of the order, section (a) (2).

[F. R. Doc. 43-20581; Filed, December 28, 1943; 12:44 p. m.]

[Region VIII Order G-2 under Rev. MPR 122, Amdt. 1]

BITUMINOUS COAL IN SEATTLE, WASH., AREA

Correction

In F. R. Doc. 43-19507, appearing on page 16573 of the issue for Wednesday, December 8, 1943, the following changes should be made: In Table VI item 6 should read "6. Egg 8 x 1½". In Table VIII the price in 100 lb. bag for item 10 should be \$0.60.

[Region VIII Order 1 Under RO 14A]

FIREWOOD AND COAL IN THE PACIFIC NORTHWEST

Pursuant to the authority conferred upon the Regional Administrator by Ration Order No. 14A, Firewood and Coal in the Pacific Northwest, as amended, the following order is prescribed:

Every coal dealer shall register on or before January 17, 1944 in the manner prescribed in Ration Order No. 14A. Any person who becomes a dealer after January 17, 1944 shall register within ten days after becoming a coal dealer.

This order shall become effective December 31, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 597, 77th Cong.; Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-U, 8 F.R. 1835; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of December 1943.

LEO F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-20705; Filed, December 30, 1943; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-84]

INTERNATIONAL UTILITIES CORP. AND DOMINION GAS AND ELECTRIC CO.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December 1943.

The Commission having heretofore on June 12, 1941, after opportunity for hearing, ordered, pursuant to sections 3 (a) (5) and 3 (b) of the Public Utility Holding Company Act of 1935, that: (1) Dominion Gas and Electric Company, a registered holding company and a subsidiary company of International Utilities Corporation, a registered holding company, be exempt to June 30, 1943, to the extent specified, from sections 13 (a) and 13 (b) of said act applicable to it as a registered holding company and subsidiary company; and (2) Canadian Western Natural Gas, Light, Heat and Power Company, Limited, Northwestern Utilities, Limited, Canadian Utilities, Limited, North West Fidelity Trust Company Limited, Domalta Petroleum, Limited, and Alberta Gas Exploration Company, Limited, all subsidiary companies of Dominion Gas and Electric Company, be exempt, to the extent specified, from certain provisions of said act applicable to them as subsidiary companies; and

The Commission having heretofore on June 29, 1943, extended such exemption to December 31, 1943; and

Dominion Gas and Electric Company, having on December 4, 1943, filed an application pursuant to sections 3 (a) (5) and 3 (b) of said act seeking an extension of time during which such previous order should be effective; and

The Commission having considered such application and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interests of investors or consumers; it appearing, however, that the section 11 (e) plan of International Utilities Corporation and subsidiaries now pending before the Commission will, if consummated, result in the termination of the existence of Dominion Gas and Electric Company;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended to the extent and subject to the conditions heretofore designated in our order of June 12, 1941, until June 30, 1944, without prejudice to the right of Dominion Gas and Electric Company to apply for a further extension of the time during which such order shall be effective and to apply at any time for such enlargement of any provision of such order as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-20673; Filed, December 30, 1943; 10:16 a. m.]

[File No. 43-160]

COLUMBIA GAS & ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December 1943.

The Commission by order dated January 25, 1939, having permitted a declaration by Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, to become effective regarding the reduction of the common capital stock account of Columbia Gas & Electric Corporation from \$194,349,005.62 to \$12,304,282, so as to create a "Special Capital Surplus" of \$182,044,723.62, and freezing, for certain specified purposes, the balance in its surplus account as of December 31, 1937, in the amount of \$13,261,609.45 in an account designated "Surplus Prior to January 1, 1938" and said order having provided, in part, that

3. * * * unless the time be extended by application to this Commission and order thereon, balances remaining in "Special Capital Surplus" and "Surplus Prior to January 1, 1938" on December 31, 1942 shall be restored to common capital stock account as of the date last mentioned;

and

Columbia Gas & Electric Corporation having filed an application and amendment thereto for a further extension to December 31, 1944, of the date, heretofore extended from December 31, 1942, to December 31, 1943, by the Commission's order of December 30, 1942 (Holding Company Act Release No. 4036), on which the balances remaining in the accounts of Columbia Gas & Electric Corporation designated "Special Capital Surplus" and "Surplus Prior to January 1, 1938" must be restored to the common capital stock account; and

Columbia Gas & Electric Corporation having made various adjustments and deductions to the surplus accounts, leaving balances remaining as at October 31, 1943, of \$95,515,998.66 in "Special Capital Surplus" and \$939,904.63 in "Surplus Prior to January 1, 1938", and stating that as to such remaining balance

the determination of the original cost of the fixed assets of its subsidiary companies is a necessary prerequisite to a final decision as to the amounts remaining in "Special Capital Surplus" and "Surplus Prior to January 1, 1938" accounts which are to be restored to the common capital stock account; and having stated that original cost studies covering approximately 43% of the total recorded property of its subsidiaries have been completed and, although diligently pressed, unexpected delays in the completion by its subsidiaries of their studies and in obtaining final determination as to such studies from regulatory authorities have rendered it impossible for final adjustments to be made; and

Said application having been filed on December 8, 1943, and an amendment thereto having been filed on December 16, 1943, and acceleration of the effective date of the application having been requested; and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that it is not detrimental to the public interest or to the interests of investors or consumers to grant the requested extension,

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same is hereby, granted.

It is further ordered, That nothing herein contained is to be construed as a waiver or modification of any of the other terms and conditions contained in our orders of January 25, 1939, and December 30, 1942, entered in this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-20674; Filed, December 30, 1943;
10:15 a. m.]

[File Nos. 59-46, 4-36]

CITIES SERVICE CO., ET AL.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December 1943.

In the matters of Cities Service Company, Empire Gas and Fuel Company, Cities Service Gas Company, Cities Service Oil Company (Delaware), and Indian Territory Illuminating Oil Company, respondents, File No. 59-46; Cities Service Company and Empire Gas and Fuel Company, respondents, File No. 4-36.

The Commission having on the 3d day of July 1941 and on the 4th day of May 1942 issued notices of and orders for hearings pursuant to sections 11 (b) (2), 12 (c), 12 (f) and 15 (f) of the Public Utility Holding Company Act of 1935 in the above styled matters; and

The Commission having on the 3d day of August 1942 issued its findings, opinion and order and a report approving and reporting on a plan of recapitalization of Empire Gas and Fuel Company, a subsidiary company of Cities Service Company, a registered holding company, pursuant to which Empire Gas and Fuel Company was authorized to offer 3½% sinking fund debentures in exchange for its outstanding preferred stocks held by the public; and

Such plan having provided that it should become effective upon the acceptance of such exchange offer by the holders of 85% or more of the preferred stock held by others than Cities Service Company; and

Such order having provided for a reservation of jurisdiction by the Commission in respect of the said proceedings under sections 11 (b) (2), 12 (c), 12 (f) and 15 (f) should the plan, for any reason, fail to be consummated and, in the event the plan should become operative upon less than 100% acceptance, in respect of such further proceedings as should be deemed appropriate with respect to the shares of the publicly held preferred stock of Empire Gas and Fuel Company, which might not have been deposited under the plan; and

Such order having also provided for a reservation of jurisdiction by the Commission with respect to any and all issues concerning Indian Territory Illuminating Oil Company, a subsidiary company of Empire Gas and Fuel Company, its publicly held stock and its relationships with the other companies in the Cities Service Company system; and

It appearing that by order of the Commission under date of June 10, 1943 the issues relating to Indian Territory Illuminating Oil Company, its publicly held stock and its relationships with the other companies in the Cities Service Company system were finally disposed of by dismissal of such proceeding; and

The necessary number of consents to the plan having been obtained and the plan having been declared operative on September 28, 1942; and

It appearing that of the 127,021 shares of preferred stock of Empire Gas and Fuel Company which were outstanding in the hands of the public, 3,878 shares have not been exchanged of which 2,545 shares represent stock which has been offered in exchange but which has not actually been delivered; and

Cities Service Company and Empire Gas and Fuel Company having requested that the jurisdiction as reserved in the order of August 3, 1942, as recited above, now be released and that the proceedings instituted by our orders of July 3, 1941, and May 4, 1942, be dismissed; and

It appearing to the Commission that the plan as previously approved contains sufficient protective provisions for the benefit of those stockholders who have not accepted the exchange offer and that, in view of the large majority of the stock already exchanged, the public interest and the interest of investors do not require that the Commission exercise any further jurisdiction with respect to the proceedings instituted pursuant to sec-

tions 11 (b) (2), 12 (c), 12 (f) and 15 (f) pursuant to the notices and orders dated July 3, 1941, and May 4, 1942 or with respect to the shares of the publicly held stocks which have not been deposited under the plan;

It is ordered, That all jurisdiction reserved by our order of August 3, 1942, which has not previously been released, be and now is released, and, that the proceedings instituted by our orders of July 3, 1941, and May 4, 1942, be, and hereby are, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-20682; Filed, December 30, 1943;
10:15 a. m.]

[File Nos. 54-67, 53-64, 54-46]

PEOPLES LIGHT AND POWER CO., ET AL.

ORDER APPROVING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of December 1943.

In the matters of Peoples Light and Power Company and Subsidiary Companies, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, Texas Public Service Company, and West Coast Power Company, File No. 59-64; Lone Star Gas Corporation, Lone Star Gas Company, et al., File No. 54-46.

Lone Star Gas Company (successor to Lone Star Gas Corporation, formerly a registered holding company) and Lone Star Gas Corporation having filed an amendment to a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, which plan, providing, in part, for the disposition by the Lone Star holding company system of all interests in the gas production and distribution properties operating in Galveston, Texas, was approved by the Commission in its order dated October 22, 1942; Lone Star having proposed in the said amendment the sale of the physical properties and assets, except cash, comprising the gas production and distribution systems serving Galveston, Texas, and adjacent territory, for the sum of \$2,383,000 in cash (subject to certain adjustments) and the use of the proceeds of such proposed sale to reduce its outstanding long-term Bank Loan Notes;

The Peoples Light and Power Company holding company system having filed an application pursuant to section 11 (e) of said act for approval of a plan for compliance with section 11 (b) and having filed amendments to said plan, which amendments propose, in part, the acquisition by Texas Public Service Company, a subsidiary of Peoples Light and Power Company, of the physical properties and assets, except cash, comprising the gas production and distribution systems serving Galveston, Texas, from Lone Star Gas Company for the said sum of \$2,383,000 (subject to certain adjustments), and further propose certain accounting adjustments of the book

value of the Austin and LaGrange properties of Texas Public Service Company;

Lone Star Gas Company and Peoples Light and Power Company having requested that the order of the Commission approving such transactions conform with the requirements of sections 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, and contain the findings therein specified;

The proceedings relating to the above-described transactions having been ordered consolidated;

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein; the Commission finding that the sale by Lone Star Gas Company of the physical properties and assets comprising the gas production and distribution systems serving Galveston, Texas and adjacent territory for the said sum of \$2,383,000 (subject to certain adjustments) and the application of such proceeds of sale to the reduction of its outstanding long-term Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

The Commission further finding that the application by Texas Public Service Company of the necessary portion of the proceeds received by it from the sale of its irrigation and water properties and business in Jefferson, Hardin, Liberty, and Chambers Counties, Texas (such properties having been sold and conveyed to Lower Neches Valley Authority on April 20, 1943—See Holding Company Act Release No. 4227) to the purchase of the aforesaid Galveston production and distribution properties is necessary or appropriate to the integration or simplification of the Peoples Light and Power holding company system, of which Texas Public Service Company is a part, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

The said Galveston gas production and distribution properties being more completely specified, itemized, and described in the Agreement of Purchase and Sale dated October 20, 1943, between Lone Star Gas Company and Texas Public Service Company; the said agreement, having been filed as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

The said outstanding Bank Loan Notes of Lone Star Gas Company being more completely described and specified in the Bank Loan Agreement dated August 26, 1943, between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks; the said Bank Loan Agreement, having been filed

as a part of the record of this proceeding, is hereby incorporated by reference in this order and made a part hereof with the same force and effect as if set forth at length herein;

It is ordered, That the sale by Lone Star Gas Company of the physical properties and assets comprising the Galveston production and distribution systems serving Galveston, Texas, and adjacent territory, for the sum of \$2,383,000 (subject to certain adjustments) and the application of such proceeds of sale to the reduction of its outstanding Bank Loan Notes dated August 26, 1943, as provided for in the Bank Loan Agreement between Lone Star Gas Company and The Union Trust Company of Pittsburgh and certain other banks, dated August 26, 1943, are necessary or appropriate to the integration or simplification of the Lone Star system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

It is further ordered, That the application by Texas Public Service Company of the necessary portion of the proceeds received by it from the sale of its irrigation and water properties and business in Jefferson, Hardin, Liberty, and Chambers Counties, Texas (such properties having been sold to Lower Neches Valley Authority on April 20, 1943) to the purchase of the aforesaid Galveston production and distribution properties is necessary or appropriate to the integration or simplification of the Peoples Light and Power holding company system, of which Texas Public Service Company is a part, and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the proposed accounting adjustments of the book value of the Austin and La Grange properties of Texas Public Service Company, and the applications relating to the said sale and purchase of the Galveston properties be, and hereby are, approved, and that the declaration relating to the said sale and purchase be, and hereby are, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20678; Filed, December 30, 1943;
10:16 a. m.]

[File Nos. 70-810, 59-5]

THE MIDDLE WEST CORP., ET AL.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of December 1943.

In the matter of The Middle West Corporation and Ralph J. Green, File No. 70-810; The Middle West Corporation and its Subsidiary Companies, File No. 59-5.

The Middle West Corporation, a registered holding company, and Ralph J.

Green, an individual and an affiliate of a public utility company, having filed a joint application and declaration and amendment thereto pursuant to sections 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 with respect to the sale by The Middle West Corporation to Ralph J. Green of 13,687½ shares of common stock of its subsidiary, Missouri Gas & Electric Service Company, for a cash consideration of \$352,400, such proceeds to be distributed by The Middle West Corporation to its stockholders at any time or from time to time within a period of two years from the date on which such proceeds are received; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion therein; and

The Commission having on March 1, 1940 issued its Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 regarding The Middle West Corporation and its subsidiary companies (File No. 59-5), alleging that the holding company system of The Middle West Corporation is, among other things, not confined in its operations to those of a single integrated public utility system within the meaning of the act, and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system; and The Middle West Corporation having filed its answer on May 20, 1940, hearings having been held, arguments heard, and the matter having been submitted to the Commission for decision; and

The Middle West Corporation having since amended said answer in the proceeding pursuant to section 11 (b) (1) requesting an order directing the disposition by The Middle West Corporation of its shares of common stock of Missouri Gas & Electric Service Company; and

The Middle West Corporation having requested an appropriate order and findings of the Commission in the proceedings on the said joint application and declaration to conform to the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended; and

The Commission having considered the record in the proceedings under section 11 (b) (1) and having made and filed its findings and opinion as to the retainability of Missouri Gas & Electric Service Company;

It is hereby ordered, Pursuant to section 11 (b) (1) that The Middle West Corporation shall dispose of its holdings of common stock of Missouri Gas & Electric Service Company.

It is further ordered, That the sale by The Middle West Corporation of its holdings of 13,687½ shares of common stock of Missouri Gas & Electric Service Company to Ralph J. Green for the sum of \$352,400 in cash, such proceeds to be distributed by The Middle West Corporation to its stockholders at any time or

from time to time within a period of 24 months following receipt of the proceeds of said sale, is necessary or appropriate to the integration or simplification of The Middle West Corporation holding company system within the meaning of sections 371 and 1808 of the Internal Revenue Code as amended and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, Pursuant to the applicable provisions of said act that the aforesaid application and declaration as amended be and hereby is granted and permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24 of the General Rules and Regulations under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20683; Filed, December 30, 1943;
10:16 a. m.]

[File Nos. 70-666, 70-786]

**GENERAL WATER GAS & ELECTRIC CO., ET AL.
ORDER GRANTING APPLICATIONS AND PER-
MITTING DECLARATIONS TO BECOME EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1943.

In the matters of General Water Gas & Electric Company, Walnut Electric & Gas Corporation, International Utilities Corporation, Oklahoma Electric & Water Company, File No. 70-666; Southwestern Public Service Company, File No. 70-786.

General Water Gas & Electric Company ("General"), a registered holding company and a subsidiary of International Utilities Corporation ("International"), Walnut Electric & Gas Corporation ("Walnut"), a registered holding company subsidiary of General, and Oklahoma Electric & Water Company ("Oklahoma"), a public utility company subsidiary of Walnut, having filed an application and declarations, and amendments thereto, pursuant to sections 5 (d), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43, U-44, and U-46 promulgated thereunder, relating to the sale of all the outstanding securities of Oklahoma owned by Walnut, the payment of a liquidating dividend by Walnut to General, the dissolution of Walnut, and for an order declaring that upon the consummation of said sale Walnut will have ceased to be a holding company;

Southwestern Public Service Company, a registered holding company, having filed an application and declarations, and an amendment thereto, pursuant to sections 9 (a), 10, 12 (c), and 12 (f) of the said act, and Rules U-43 and U-46 promulgated thereunder, relating to the purchase from Walnut of the outstanding securities of Oklahoma, the subsequent acquisition of the assets of Oklahoma, and the dissolution of Oklahoma; and

The proceedings with respect to the aforesaid applications and declarations having been consolidated, a public hearing on such consolidated proceedings having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said applications and declarations be, and the same are, hereby, respectively, granted and permitted to become effective, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That upon the consummation of the transactions proposed in the declarations filed by General, Walnut, and Oklahoma, an order will issue, as of course, upon the filing by the parties thereto of a certificate, or certificates, of notification (as required by Rule U-24) of the consummation of the said transactions in accordance with the terms and conditions of, and for the purpose represented in the said declarations filed herein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20681; Filed, December 30, 1943;
10:15 a. m.]

[File No. 54-51]

**NATIONAL POWER & LIGHT COMPANY
NOTICE REGARDING FILING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 28th day of December A. D. 1943.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company, a registered holding company, and a subsidiary of Electric Bond and Share Company, likewise a registered holding company;

Notice is further given that any interested person may, not later than January 3, 1944 at 5:30 p. m., e. v. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

National Power & Light Company ("National") retired on June 16, 1943, 138,000 of the 150,000 shares of its outstanding \$6 Preferred Stock held by the public at \$100 per share plus accumu-

lated and unpaid dividends. National now proposes to retire on January 31, 1944, subject to requisite approval of its stockholders, the remaining 12,000 shares of \$6 Preferred Stock outstanding with the public at \$100 a share, plus accumulated and unpaid dividends to that date, and, at the same time, to retire 1,048 shares of said \$6 Preferred Stock, heretofore reacquired by National and now held in its treasury. National requests approval of the solicitation material to be used, in connection with a special meeting of its stockholders, to solicit from them their proxies for the authorization of a reduction of capital stock and of capital and for the amendment of National's charter.

National also proposes to reduce its outstanding Common Stock to 5,456,100 shares by the purchase in the open market of 17 shares of Common Stock, subsequent to the retirement of its \$6 Preferred Stock. It is stated that such purchase and reduction in the number of outstanding shares of Common Stock is for the purpose of facilitating the distribution by National of its portfolio to its Common stockholders and that no fees or expenses will be incurred in connection therewith other than customary brokerage charges.

National describes the proposals set forth in its application or declaration as steps toward compliance with this Commission's order of August 23, 1941 under section 11 (b) (2) of the act requiring the dissolution of National.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20677; Filed, December 30, 1943;
10:16 a. m.]

[File Nos. 54-45, 53-48]

SOUTHERN UNION GAS COMPANY, ET AL.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December 1943.

Application by a natural gas utility company for sale of utility assets to a non-affiliated company, approved, the Commission finding that such transaction is necessary to effectuate the provisions of section 11 (b), is in conformity with previous order of the Commission approving plan filed under section 11 (c), and is fair and equitable to persons affected thereby.

Appearances: M. Morton Weinstein, of the Public Utilities Division of the Commission.

Southern Union Gas Company ("Southern Union") has filed an application regarding the sale of the physical property and assets, except cash, comprising its central Texas gas distribution system and plant, including a gas well and appurtenant lease, which it will initially acquire from its subsidiary, South-

ern Union Production Company. Such central Texas properties, serving natural gas to Hico and Duffau, Texas, are proposed to be sold to Lone Star Gas Company, a non-affiliated company, for the sum of \$36,500 in cash, subject to certain adjustments as provided in the purchase agreement dated November 12, 1943. Southern Union has requested that the order of the Commission entered in this proceeding contain the findings and recitals necessary to meet the requirements of section 1808 (f) of the Internal Revenue Code, as amended.

The application is submitted in the form of "Amendment No. 13" to the section 11 (e) plan which we approved by our order of September 19, 1942.¹ The said order, pursuant to section 11 (b), directed, *inter alia*, the disposition of the central Texas properties by Southern Union and reserved jurisdiction over the terms or conditions of such disposition.

After appropriate notice, a public hearing was held. Having considered the record, we make the following findings:

The gross book value of the property owned and proposed to be sold by Southern Union, as of December 31, 1942, was \$125,190; the estimated net book value of such property, as of the same date, was \$86,373. The record does not indicate the carrying value of the gas well and appurtenant lease included in the proposed sale, which Southern Union Gas Company proposes to acquire from its subsidiary for \$3,000 in cash.

The net operating profit before depreciation, interest, and income taxes allocable to the central Texas properties was \$1,898 for the year ended December 31, 1942, and the average for the five-year period 1938-1942 was \$2,029. The proposed sales price of \$33,500 (not including the \$3,000 applicable to the gas well and appurtenant lease) is equal to 16.51 times such average net operating profit for the years 1938-1942. The record indicates that Lone Star Gas Company operates in the immediate vicinity of the central Texas properties and is a supplier of a substantial portion of the gas distributed in such territory by Southern Union.

The amendment recites that the contract price was determined as a result of arm's-length negotiations. Under all the circumstances pertaining to the proposed sale, we find that the proposed sale is necessary to effectuate the provisions of section 11 (b), is in compliance with our order of September 19, 1942, and is fair and equitable to the persons affected thereby. We also grant the applicant's request that our order conform to the formal requirements of section 1808 (f) of the Internal Revenue Code, as amended.

It is therefore ordered, That the said application designated as "Amendment No. 13" be and is hereby granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

¹ *Southern Union Gas Company, et al., v. S. E. C.* (1942), Holding Company Act Release No. 3802. In *Southern Union Gas Company, et al., v. S. E. C.* (1943), Holding Company Act Release No. 4650, we granted, pursuant to Section 11 (c), an additional 6-month period within which to comply with our order of September 19, 1942.

It is further ordered and recited, That the sale by Southern Union of its central Texas properties, including a gas well and its appurtenant lease to be initially acquired by Southern Union from Southern Union Production Company, to Lone Star Gas Company for \$36,500, subject to certain adjustments as of the date of closing, pursuant to the contract between the said parties dated November 12, 1943, is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and is necessary to comply with the Commission's order of divestment under section 11 (b) of said act entered on September 19, 1942.

The central Texas properties referred to above being more completely specified, itemized, and described in the contract of sale dated November 12, 1943, marked Exhibit A of Amendment No. 13 and filed with the Securities and Exchange Commission on November 25, 1943 as a part of the record in this proceeding, which document is hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20675; Filed, December 30, 1943;
10:16 a. m.]

[File No. 70-830]

AMERICAN WATER WORKS AND ELECTRIC COMPANY, INCORPORATED

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1943.

American Water Works and Electric Company, Incorporated ("American"), a registered holding company which owns all the common stock of its subsidiary water holding company, Commonwealth Water and Light Company ("Commonwealth"), has filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding a donation of capital in the amount of \$441,000 to Commonwealth, by means of the cancellation of the open account indebtedness, in like amount, now owed by Commonwealth to American. Upon such cancellation American will add the amount thereof to its investment in the common stock of Commonwealth and Commonwealth will transfer a corresponding amount to capital surplus.

The said declaration, having been filed on December 2, 1943, and notice of filing having been given in the form and manner prescribed in Rule U-23 under said act and the Commission not having received a request for a hearing with respect to said declaration within the time specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (b) and Rule

U-45 promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20684; Filed, December 30, 1943;
10:16 a. m.]

[File No. 70-835]

ASSOCIATED ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 28th day of December 1943.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to sell to William E. Vogelback, a non-affiliate, for the base price of \$750,000, all of Associated Electric Company's interest in its wholly-owned subsidiary, Union Gas & Electric Company. The securities and indebtedness to be sold consist, as of September 30, 1943, of the following:

First Mortgage 5% Bonds, due September 1, 1940, principal amount	\$202,000.00
Accrued interest thereon aggregating	841.67
Open Account Indebtedness (bearing interest to the extent of 6% per year when earned)	528,000.00
Accrued interest thereon aggregating	2,640.00
Common Stock (par value \$100 per share)	7,500 shares

As part of the purchase price and on account thereof, it is proposed that a five-year Purchase Money Note in the face amount of \$700,000, secured by a pledge of all the securities and other indebtedness to be sold, shall be accepted by Associated Electric Company.

The applicant-declarant has designated sections 9 (a), 10, and 12 (d) of the act, and Rule U-44 promulgated thereunder, as applicable to the filing.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said act and the rules of the Com-

mission thereunder be held on January 10, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 8, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission.

It is further ordered, That without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration to be received for the proposed sale is fair and reasonable;

3. Whether the proposed acquisition by Associated Electric Company of the purchase money note complies with the provisions of section 10 of the act, and particularly whether it is detrimental to the carrying out of the provisions of section 11 of the act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the applicant-declarant;

5. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms or conditions in regard to the accounts or capital structure of Union Gas & Electric Company, or otherwise in regard to the proposed transactions;

6. Whether, in all other respects, the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20685; Filed, December 30, 1943;
10:16 a. m.]

WAR PRODUCTION BOARD.

J. B. VAN SCIVER CO.

CONSENT ORDER

J. B. Van Sciver Company is a corporation engaged in the retail distribution of consumers' goods with a main store and place of business in Camden, New Jersey.

The Company is charged by the War Production Board with violating Limitation Order L-219 in that during the period from April 1, 1943, to June 30, 1943, it accepted receipt of consumers' goods of the value of \$199,494 in excess of the limitations provided under said order, as amended March 26, 1943, and that further during the period from July 1 to August 31, 1943, it accepted such goods in the amount of \$77,233.34 in excess of the limitations provided in said order, as amended July 10, 1943, and it is further charged that an additional excess of receipts, likewise in violation of said order has been received by the Company in the month of September, 1943.

The Company admits the excessive receipts as charged to August 31, 1943. It further appears that the Company has not received physical delivery of any consumers' goods since December 15, 1943, in anticipation of this consent order being executed. The Company consents to the issuance of the following order:

Wherefore, upon the agreement and consent of J. B. Van Sciver Company, the Regional Compliance Chief and the Regional Attorney and upon the approval of a Compliance Commissioner, *It is hereby ordered*, That:

(a) During the period from December 15, 1943, to December 31, 1943, inclusive, J. B. Van Sciver Co. shall not receive physical delivery of any consumers' goods, either at their stores or warehouses, or at any other place of storage, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in the foregoing paragraph (a) shall be construed to prohibit J. B. Van Sciver Co., its successors and assigns, from receiving consumers' goods which have been sent out for repairs, or which are repair parts for consumers' goods in inventory, or goods which may be included in the term "factory inventory." That is—stored by the said J. B. Van Sciver Co., not for sale to individual ultimate consumers or to independent dealers who sell to individual, ultimate consumers; nor shall anything contained in the said paragraph (a) be construed to prohibit J. B. Van Sciver Co., its successors and assigns, from receiving any merchandise not on the controlled list of consumers' goods, as defined, for the purpose of said Order L-219.

(c) During the period from December 15 to December 31, 1943, J. B. Van Sciver Co., its successors and assigns, shall, in all ways, conduct its operations as though it were a controlled merchant, as defined in Limitation Order L-219, whose mercantile inventory is greater than its inventory limit at the beginning of the period referred to in this consent order.

(d) Nothing contained in this order shall be deemed to relieve J. B. Van Sciver Co., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon issuance and shall expire on January 1, 1944.

Issued this 23th day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-20635; Filed, December 28, 1943;
4:50 p. m.]

[Certificate 16, Rev.]

PETROLEUM COORDINATOR FOR WAR CERTIFICATE FOR DIRECTIVE WITHDRAWN

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding (7 F.R. 7766) dated September 23, 1942, concerning Petroleum Directive No. 59 of the Petroleum Coordinator for War.

Date: December 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-20622; Filed, December 29, 1943;
10:21 a. m.]

[Certificate 26, Rev.]

PETROLEUM COORDINATOR FOR WAR CERTIFICATE FOR AMENDED DIRECTIVE WITHDRAWN

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding (7 F.R. 10635) dated December 16, 1942, concerning Amended Directive No. 59 of the Petroleum Coordinator for War.

Date: December 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-20623; Filed, December 29, 1943;
10:21 a. m.]

[Certificate 33, Rev.]

PETROLEUM SUPPLY CERTIFICATE FOR AMENDMENT WITHDRAWN

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding (8 F.R. 2075) dated February 12, 1943, concerning Petroleum Directive No. 59 of the Office of Petroleum Administration for War.

Date: December 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-20624; Filed, December 29, 1943;
10:21 a. m.]

[Certificate 53, Rev.]

PRINCIPAL PETROLEUM PRODUCTS CERTIFICATE WITHDRAWN FOR PURCHASES, SALES, EXCHANGE AND LOANS

The ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding (8 F.R. 5691) dated April 26, 1943, concerning Amendment No. 2 to Petroleum Directive 59 of the Office of Petroleum Administration for War.

Date: December 22, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-20625; Filed, December 29, 1943;
10:21 a. m.]

